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PROCEEDINGS

NATIONAL ADVISORY BOARD COUNCIL

TWENTY–THIRD ANNUAL MEETING

March 11–13, 1963

Washington, D. C.

UNITED STATES DEPARTMENT OF THE INTERIOR
STEWART L. UDALL, *Secretary*

John A. Carver, Jr., *Assistant Secretary*
Public Land Management

BUREAU OF LAND MANAGEMENT
Karl S. Landstrom, *Director*

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PROCEEDINGS
of the
NATIONAL ADVISORY BOARD COUNCIL
Twenty-Third Annual Meeting
Washington, D. C.

The twenty-third annual meeting of the National Advisory Board Council was held in Washington, D. C., on March 11-13, 1963. Except for the executive session, all sessions were open to the public.

The morning of the first day was highlighted by an address by Secretary of the Interior Stewart L. Udall, followed by an illustrated report of long-range public land management programs by Karl S. Landstrom, Director, Bureau of Land Management, and a progress report of the Special Committee on Tenure by Chairman Dan H. Hughes.

The afternoon of the first day was devoted to a presentation and panel discussion on public land uses and areas of understanding and misunderstanding by L. C. Binford, President, Izaak Walton League of America; R. J. Smith, President, Western Association of State Game and Fish Commissioners; and Thomas L. Kimball, Executive Director, National Wildlife Federation.

A short session on the morning of the second day began with a report on new and proposed legislation by Jerry A. O'Callaghan, Assistant Director, Bureau of Land Management, and was followed by a presentation on the subject of public lands in outdoor recreation by Edward C. Crafts, Director, Bureau of Outdoor Recreation.

On the afternoon of the second day, concepts in multiple use were presented by officials of the Bureau of Land Management and members of the National Advisory Board Council.

In the evening of the second day, a dinner was held at the National Lawyers Club, following which Milton A. Pearl, Staff Consultant to the House Committee on Interior and Insular Affairs, presented a statement by and for Congressman Wayne N. Aspinall of Colorado, Chairman Committee on Interior and Insular Affairs, U. S. House of Representatives. Mr. Aspinall's statement is included as Appendix No. 7 to these proceedings.

The Council met in executive session on the afternoon of the third day. Upon the conclusion thereof, the Council adjourned at 4:22 p.m., Wednesday, March 13.

The meeting was attended by the following:

National Advisory Board Council Members - 1963

Alaska
- Arthur J. Harris, State-wide

Arizona
- Lee J. Esplin, Cattle
- Vard H. Heaton, Sheep
- Max T. Layton, Wildlife
- George Ricca, County Government

California
- Brunel Christensen, Cattle
- Joe Mendiburu, Sheep
- Murray Doyle, Wildlife
- Gerhard N. Rostvold, Urban-Suburban Development

Colorado
- Leonard Horn, Cattle
- Dan H. Hughes, Sheep
- Edwin S. Hofmann, Wildlife
- Bruce Anderson, Oil and Gas

Idaho
- Milton T. Jones, Cattle
- Ray Lincoln, Sheep
- Garnett Kidd, Wildlife
- Bruce Bowler, Outdoor Recreation

Montana
- Gene J. Etchart, Cattle
- Paul G. Lose, Sheep
- Eldon Smith, Wildlife

Nevada
- Fred Strosnider, Cattle
- George N. Swallow, Sheep
- Al Ray Jonez, Wildlife
- Hugh A. Shamberger, Forestry and Fire

New Mexico
- Alva D. Brownfield, Cattle
- Floyd W. Lee, Sheep
- F. Louis Hernandez, Wildlife
- William A. Williams, Jr., Conservation

Oregon

Henry C. Gerber, Cattle
James S. Weber, Sheep
Theodore Conn, Wildlife
Lloyd Rea, County Government

Utah

Kumen S. Gardner, Cattle
Briant H. Stringham, Sheep
Othel L. Pay, Wildlife
Edward W. Clyde, Petroleum

Wyoming

Clarence Grieve, Cattle
John W. Hay, Jr., Sheep
Carroll R. Noble, Wildlife
James A. Whaley, Soil Conservation

Department of the Interior

Stewart L. Udall, Secretary
John M. Kelly, Assistant Secretary, Mineral Resources

Office of the Solicitor

Thomas J. Cavanaugh, Associate Solicitor, Division of Public Lands
Joseph H. Tudor, Assistant Solicitor, Branch of Lands

Bureau of Land Management

Office of the Director

Karl S. Landstrom, Director
Harold R. Hochmuth, Associate Director
James P. Beirne, Assistant Director, Administration
James F. Doyle, Assistant Director, Lands and Minerals
Luther T. Hoffman, Assistant Director, Operating Services
Jerry A. O'Callaghan, Assistant Director, Plans and Legislation
Eugene V. Zumwalt, Assistant Director, Range and Forestry
and others of the Bureau's professional staff

State Directors

Roger R. Robinson, Alaska
Fred J. Weiler, Arizona
Neal D. Nelson, California
Lowell M. Puckett, Colorado
Joe T. Fallini, Idaho
Edgar I. Rowland, Montana
J. Russell Penny, Nevada
Chesley P. Seely, New Mexico
Robert D. Neilson, Utah
Ed Pierson, Wyoming

Field Administrative Officers

Ralph J. Mitchell, Denver, Colorado
Terrell L. Boyce (acting), Portland, Oregon

Field Committee Representatives

E. J. Palmer, Portland, Oregon
Virgil T. Heath, Salt Lake City, Utah

Representing other Bureaus or Agencies

Leon W. Dupuy, Bureau of Mines
C. H. Johnson, Bureau of Mines
Thomas D. Rice, Fish and Wildlife Service
F. W. Grover, U. S. Forest Service
Lloyd W. Swift, U. S. Forest Service

Representing private associations, organizations, and interest groups

L. C. Binford, Izaak Walton League of America
Harry R. Carpenter, Kansas City Life Insurance Co.
R. M. DeNio, American Society of Range Management
Walter B. Garver, U. S. Chamber of Commerce
Roy D. Hawkins, Soil Conservation Society of America
Roy D. Hockensmith, Soil Conservation Society of America
Thomas L. Kimball, National Wildlife Federation
Lyle Liggett, American National Cattlemen's Association
C. W. McMillan, American National Cattlemen's Association
K. B. Pomeroy, American Forestry Association
Frank R. Rogers, Western Oil and Gas Association
J. E. Rutter, The Prudential Insurance Company
Robert J. Smith, Western Association of State Game and Fish Commissioners
Donald D. Whyte, American Mining Congress
John I. Taylor, American Farm Bureau Federation
William Williams, National Association of Soil Conservation Districts

Members of Congress attending or represented

California

Congressman Harold T. Johnson

Colorado

Congressman Wayne N. Aspinall, represented by Milton A. Pearl, Staff Consultant
Congressman Byron Rogers, represented by C. N. Feast

Idaho

Senator Frank Church, represented by Walter Hower
Senator Len B. Jordan, represented by Edward Woozley, Administrative Assistant

Nevada

Senator Alan Bible, represented by Robert Wolf, Staff Consultant

Members of Congress attending or represented (Cont.)

New Mexico

Congressman Thomas G. Morris, represented by Paul Demos

Utah

Senator Frank E. Moss, represented by Grant W. Midgley
Congressman Laurence J. Burton, represented by Richard Richards

Wyoming

Senator Gale W. McGee, represented by Ira Whitlock, Staff Assistant

In addition, special messages of greeting were received from the following:

Senator Alan Bible, Nevada
Senator Wallace F. Bennett, Utah
Congressman Wayne N. Aspinall, Colorado
Congressman Thomas G. Morris, New Mexico
Congressman Laurence J. Burton, Utah

Proceedings - Opening Session, Monday, March 11

The first session of the twenty-third annual meeting of the National Advisory Board Council was called to order by Chairman Dan H. Hughes at 9 a.m. on Monday, March 11, at Washington, D. C.

Chairman Hughes then introduced Harold R. Hochmuth, Associate Director, Bureau of Land Management. Mr. Hochmuth welcomed the Council, introduced Members of Congress, their representatives, and invited guests, and read messages of greetings from Members of Congress who were not in attendance.

After a brief report of the meeting of the Special Committee on Tenure on Sunday, March 10, Chairman Hughes introduced Stewart L. Udall, Secretary of the Interior, who addressed the Council. The text of Secretary Udall's address appears as Appendix No. 1 to these proceedings. In summary, Secretary Udall informed the Council of the growing interest in public land and resource management throughout the country. He stressed the complex problems resulting therefrom and the need for required legislation to accomplish effective multiple use management. Secretary Udall discussed the necessity for increased cooperation with and support of the users, and emphasized the importance of the advisory boards in these matters.

Following his address, Secretary Udall discussed with Council members the serious erosion conditions existing on some of the public range lands, planning for their correction, and the possible role of the proposed Youth Conservation Corps.

Earlier in his address, the Secretary referred to the "national land estate." At the request of a Council member, the Secretary defined this as a general term covering the lands managed by the Department of the Interior, and indicated that such lands are managed in accordance with the policies laid down by the Congress.

At the request of Council Member Christensen, the Secretary discussed two approaches to improving the range lands, one through appropriation by Congress and another by giving the responsibility, through tenure, to the users of the lands, with particular emphasis on policy considerations and conflicts of use.

In response to a question from Council Member Herandez, Secretary Udall discussed the general policy with regard to the Indian people. He said the role of the Department is that of helping them develop their human and natural resources to the highest degree possible, looking toward the ultimate time when they will become a part of the mainstream of American life. With regard to lands, the Secretary indicated that it is not the general practice to add lands to existing Indian reservations; rather, some lands have been added by specific legislation--lands which were adjacent to reservations and which were used by the Indians.

Following the Secretary's presentation, Chairman Hughes read the statement of John A. Carver, Jr., Assistant Secretary for Public Land Management, who was absent due to the pressure of other business. The text of Mr. Carver's statement appears as Appendix No. 2 to these proceedings. In summary, Mr. Carver's statement stressed the significance of a strong, constructive, and proud Council. His statement also discussed the recent increase in grazing fees, and the support of the majority of the Council and the livestock industry to that increase. Finally, Mr. Carver's statement emphasized the need for the conservation and improvement of the public's land and the need for user cooperation in achieving that goal.

Next, Karl S. Landstrom, Director, Bureau of Land Management, addressed the Council, narrating slides illustrating the Bureau's long-range program for the management, conservation, and use of the public lands and resources. The nine-point long range program covers the most imperative needs, including: (1) public land laws, (2) survey or resurvey of public lands, (3) improvement of land tenure, (4) substantial reduction of waste, (5) restoration of productive capacity of public lands, (6) soil and water conservation, (7) outdoor recreation facilities, (8) improvements and extensions of access roads, structures, and facilities on public lands, and (9) determination of service fees, user charges.

Director Landstrom pointed out that the remaining areas of public land, outside of Alaska, are in the West. The rate of population growth in the West exceeds that for the Nation as a whole and is expected to increase sharply within the foreseeable future, placing increasingly heavy demands on the public lands and their resources. The public lands, in turn, must be ready to make an optimum contribution to the economy and growth of the West.

With slides and narration, Director Landstrom demonstrated the deteriorated condition of the public lands and the activities now undertaken to correct them. He discussed the benefits resulting from effective conservation and management practices and future plans for land improvement and utilization.

Throughout his narration, Director Landstrom emphasized the need to restore the public lands to their full capacity of production, to promote the most beneficial uses of the public lands and their resources consistent with the public interest, and to increase cooperation with and understanding of the users.

Following his report, Director Landstrom asked Chairman Hughes to discuss the previous day's meeting of the Special Committee on Tenure and the Committee's plans.

Chairman Hughes stated that the Committee was not ready to report or to recommend to the Council. The Committee had decided to divide into three subcommittees to further study specific portions of the overall tenure question. The Committee will have another six months of work before it can make recommendations.

Director Landstrom reiterated his previous offers of assistance to the Special Committee on Tenure by providing professional and staff services, including, if necessary, the financing of an independent consultant.

Chairman Hughes stated that the Committee is considering a list of consultants and might request that arrangements be made with one of them.

At the suggestion of Council Member Christensen, Chairman Hughes called on Special Committee Member Clyde to report the Committee's recent meeting to the Council. Mr. Clyde's report is summarized following.

The Council would probably benefit from a knowledge of the direction of the Committee's thinking, and then could communicate to the Committee its approval or disapproval.

Tenure may not be the right word, but it is indicative of people who use public lands. When we have determined our national goals, then we can determine whether a particular plan of land tenure is good or bad, by whether it helps or defeats those national goals.

President Kennedy has stated the goals for the public lands are maximum productive use and maintenance of the land for use by future generations.

The over-use of public land in the more distant past was primarily the result of poor tenure. There was unrestricted use of the public lands. There was no incentive for any livestock operator to leave a single blade of grass, because he had no assurance he could reap a benefit in future years. The problem was made worse by competition for the available forage, and the lands were over-grazed.

The Taylor Grazing Act approached this problem primarily from a tenure standpoint. It restricted the number of stock and the season of use. It also provided for renewable ten-year permits, and provided some funds to renew and restore the range.

The history of the last 26 or 28 years has shown that the Taylor Grazing Act has been effective in stopping range deterioration. It has been ineffective as a means of restoring the land. There has been a great deal of money spent, both public and private, and much progress has been made. Conditions are changing today, caused in part by a rapidly expanding population. There is also the question of more leisure time, more money, more mobility, and more people desiring to use the land. Therefore, today, the concept of multiple use must be accepted. This means there must be as many compatible uses of the same land at the same time as the resource will permit.

The Council must work in the direction of improved tenure on the public lands, not only for the livestock industry, but for wildlife, outdoor recreation, and other users. Improved tenure will meet the national goal of maximum present productive use, stabilize industry, and provide incentives to preserve and improve the range.

As the population grows, tenure will increase in importance.

The Committee accepts the doctrine of multiple use and accepts the fact that the Government must reserve the right to take the land for higher and better uses. It also accepts as a fact of economic life that security of tenure affects the incentives of the land user. In the past, the livestock man has not had the incentive. The courts have held that the grazing privilege is revocable at will and without compensation.

In these changing times, however, Congress recognizes that, while these privileges are revocable at will, they also have become institutions. The rancher knows that the Government can take them, but for one hundred years Congress has been following a policy of encouraging the individual to put his resources to good use, and he has come to rely on the fact that Congress is not going to change that policy.

Grazing privileges have great value in the market; they are inheritable, and some users have paid tremendous amounts of money not only for the grazing privileges, but also for improvements on the private land they use in connection with the public range.

While the courts have stated that these privileges are revocable at will, they also have recognized that there might be cases of hardship when this happens. The Congress appears to have adopted a policy of compensating the range-user, and on an individual case basis when it finds it necessary to take grazing privileges. Recent examples occurred in the McCracken Mesa in connection with the Glen Canyon reclamation project in New Mexico and in Utah. When rights were taken for higher use, the Congress provided that the losses were to be paid for.

The act of general application was the act governing the taking of land for national defense purposes. Congress provided that if it became necessary and incident thereto to cancel grazing privileges, the Secretary of Defense was authorized to pay for the loss.

If the policy should be established that when it becomes necessary to take away grazing privileges the individual would be paid not only for the residual value of his improvements but also for the loss caused by the taking of the grazing permits, it may be that range users, in their own self-interest, and the public in general, in their self-interest, would restore the range and develop the fish and wildlife.

The approach is a good one, not only for the livestock industry, but for all users of the public domain. This is a study worth making to determine whether, by giving greater security of tenure to all the users, we can better serve our national goals.

The purpose of the Committee's first meeting was to study the problems of the livestock industry. The next job is to study the fish and wildlife aspects, and to contact the mineral and the gas and oil interests and other users of the public domain.

The Committee hopes to identify the problems and recommend solutions wherein, by giving greater security of tenure, it can involve the people who are using the range in long-term range improvements.

Anything short of this will simply continue the present situation with much of the public lands remaining in a low state of productivity.

Two people who use the range must be involved seriously and intensely in the problem. If they could be given assurance that they would reap the fruits of their labor, they would, in their own self-interest, upgrade the Federal domain.

Chairman Hughes then briefly discussed with the Council members the arrangements for their appearance as individuals, by invitation, before the Subcommittee on Public Lands, Committee on Interior and Insular Affairs, United States Senate, on the following morning.

Whereupon the Council recessed at 11:45 a.m. to reconvene at 1:15 p.m. of the same day.

Proceedings - Afternoon Session, Monday, March 11

The Council reconvened at 1:15 p.m.

Director Landstrom read additional messages to the Council, and made several administrative and program announcements.

Chairman Hughes then introduced the guest speakers and panelists for the session, but before calling on them requested Council Member Clyde to discuss the stockmen's interest in improved tenure. Mr. Clyde's remarks are summarized following.

In recent months this Council has spent most of its time hearing the problems and the desired solutions of the livestock interests. All the users of the public domain may have tenure problems. Certainly the oil and gas and mineral interests should be contacted, and the fish and game interests should be heard from.

It is necessary to work within the framework of established national goals. Pressures for increased use of public lands are growing. The resource needs to be improved and increased use provided for. Some kinds of uses, such as reclamation, urban, and industrial, will make it necessary to displace present uses and users.

An example of a tenure problem occurred in Utah when plans for the Deer Creek Reservoir called for inundation of a fish hatchery. In this case one and a half million dollars were paid for the hatchery. However, the fish and game people considered it irreplaceable, and estimated

the cost of relocation at three and a half to four million dollars. In a similar case, a proposal to transfer water across the Uinta Mountains would dry up 100 miles of trout streams. Here is a case of revocable "rights" for fish and game interests. They have tried for court protection without success. The Committee studied that problem and concluded that the fish and game interests should be able to buy a few thousand acre-feet of water in the reservoirs. Water is important to livestock and farming, but it is also important to fish and game. Only a few thousand acre-feet will keep the streams alive.

Thus, with respect to problems of higher uses displacing lesser uses, the inundation of a fish hatchery and the drying up of fishing streams are of equal importance with the problems of other resource users and industries. Mr. Clyde then said:

> "I, for one, have to confess I don't understand the problems of fish and wildlife. So the Committee, led by Judge Hughes, concluded that we would like to have the fish and wildlife people meet with us today and discuss this and other problems, and then have an opportunity to discuss further with them in small groups to see if we can't understand that problem. Our feeling was that we may find that our goals aren't so very far apart.
>
> "A given amount of forage can be eaten by sheep, or it can be eaten by deer. It isn't going to do any good to solve the livestockman's problem of improving the range and reducing numbers if the void is going to be filled with big game. If this is so, why again you defeat the national goals of encouraging investment in improving public lands.
>
> "On the other hand, the general public is not interested in expenditures of public money to increase the public range if it is all going to livestock. It has got to be done on a concept of balanced use that the Bureau is now adopting as its established program. I think through teamwork the national goals, with which no one can seriously quarrel, can be accomplished. The problem is one of understanding mutual problems and solving them.
>
> "I think the only other remark I would have is that all these things are a branch of the concept of tenure; everything we have done in regard to the use by individual industries and the people of the public domain is one of the distinctive types of tenure. The study of that problem is how, in the future, with the increasing pressures for use, are we going to handle this tenure problem so that we are in harmony with, and not in conflict with and frustrating, our national goals."

At the request of the Council, Mr. L. C. Binford, President, Izaak Walton League of America; Mr. R. J. Smith, President, Western Association of State Game and Fish Commissioners; and Mr. Thomas L. Kimball, Executive Director, National Wildlife Federation; were invited to present and

discuss with the Council the views of their respective organizations on the joint and multiple uses of the public lands and the areas of understanding and misunderstanding of the users. Chairman Hughes called on the guest participants in the order in which they are listed preceding. The statements of Messrs. Binford, Smith, and Kimball appear as Appendix No. 3, Appendix No. 4, and Appendix No. 5, respectively, to these proceedings. Following the presentation of their statements, the speakers formed a panel for discussion of the issues, and Chairman Hughes announced that the panelists were open to question.

Council Member Christensen asked Mr. Binford to explain the basis of the estimate that range forage costs less than $1.00 per ton. Mr. Binford responded that it was based on grazing fees in 1962 and a conversion of AUM's to tonnage equivalents. Mr. Christensen remarked that ranchers have costs of grazing other than fees, including higher operating costs and lower returns from use of public ranges as compared with private pastures.

Mr. Binford asked why ranchers use public ranges if they are of so little value. Mr. Christensen responded that there are two reasons, (a) for convenience when the ranges are adjacent to the ranches, and (b) because ranchers furnish a service to the nation by having stock convert the resource into national wealth.

Mr. Binford commented that it is recognized that ranchers have costs in addition to fees, especially because of the capitalization process. However, it is still hard to convince outsiders that fees are not too low. Most of the Izaak Walton League's membership is in the Midwest; a common view there is to question whether taxpayer's funds should be spent on the public domain. Many members believe the Federal government should invest in the public domain, and would like to see increased budgets for range rehabilitation. The low fee has been a stumbling block against increased appropriations. Interest in increased fees is related mostly to interest in obtaining increased appropriations for the Bureau of Land Management.

Chairman Hughes asked for an explanation of the speakers' concepts of multiple use.

Mr. Kimball responded that in the discussion before the enactment of the multiple use bill for administration of the national forests, the question came up as to what the term "multiple use" means. In the answer, which was not included in the law but was given in the testimony presented before the committees in Congress before the law was enacted, multiple use was defined as giving consideration to the many and varied uses in the public interest, such as mining, grazing, livestock, wildlife and recreation, but did not intend to mean that every acre of land in the public domain would be used for all of these purposes. It would entail a land classification to determine which use, if any, should have priority; which use, if any, should be exclusive;

and, wherever possible, that all uses in the public interest be permitted.

Mr. Binford commented that he had made a recent speech called "High Places," which was printed in the Congressional Record under date of February 14. Mr. Aspinall introduced it there. In it Mr. Binford said:

> "We in the Izaak Walton League believe in the multiple use of our public lands and waters. That does not mean that all uses must be assigned to every acre or stream or every water basin or mountain or forest. Some areas, because of their predominant value for certain uses should be so classified. Thus we have parks, wilderness, wildlife refuges, protected shore lines, restricted waterways. We do not favor the blocking off of areas for a single or highly limited use except as such areas fit into an overall comprehensive program of multiple use."

Chairman Hughes expressed agreement with this explanation.

Mr. Kimball stated that he considered a basic issue the reduction in range use for conservation of the resource. He asked what it would take to have livestock operators acquiesce in temporary reductions in use.

Council Member Etchart responded that there are undoubtedly circumstances where the only way to restore a range to its potential or to its former productivity is to reduce use. In many areas, and particularly Mr. Etchart's area of Montana, the same objective could be accomplished without cuts. In other words, once the problem is recognized, the livestock operator and the Bureau of Land Management could go into an extensive program of range improvements, development of water, etc. With the advances in agriculture there are a lot of things that can and should be done. All the methods should be found by which each problem can be approached. If the particular problem lends itself to being solved without imposing cuts, that is what should be done. If cuts are necessary, then that should be done, and it should be done willingly on the part of the industry.

Mr. Kimball commented that he thought Mr. Etchart had skirted the issue. Range technicians generally will not agree that physical manipulation of the land, such as by seeding, water development, browse eradication, etc., is the sole answer. Normally, a reduction in use is required to give nature time enough to do the necessary job. The objective is the physical improvement or manipulation of the land to increase forage production, but where temporary reduction in use is necessary until production is restored, how can the support of the livestock industry be obtained? It has never existed before. Generally, this is something that the livestock industry has resisted. Some procedure is required that will gain the support of the stockmen when it becomes necessary to reduce grazing. Specifically, what must be done to get that support?

Mr. Clyde commented that he had observed that the area of disagreement is whether reductions in use are necessary. The control of rates of stocking and seasons of use should remain with the Government. Renne, who defines tenure, lists fair arbitration of these disputes with the Government as one of the things needed by the western livestockman. A solution might be the creation of an arbiter to determine that question outside of the Department. If the necessity is established, there would be acquiescence in the cut.

Mr. Kimball stated that this, too, was only skirting the issue. Under present appeals procedures, permittees can postpone final action for a long time. The basic question is, how to get voluntary acquiescence in necessary grazing reductions.

Judge Hughes commented that, in many instances, cooperation is being given. Also, all grazing uses must be considered; reduction of sheep use does little good if it is replaced by deer use.

Council Member Anderson remarked that the central issue involves abuse of a resource; the oil and gas industry has had a similar problem in the past. He then said:

> "When we have abuses in our business, we have to face the fact that the U. S. Government is the owner of these resources and therefore they have the right to regulate us. We don't like regulation any more than any of you gentlemen in this room like it, but we still face up to the fact that the U. S. Geological Survey can walk in and shut us off if we are wasting resources or if we are operating in a manner dangerous to the reservoir. Lots of times it is harmful economically to cut back but we have to do it. We have found that it is to the benefit of all of us when we do. I don't mean all the nation, I am not waving the flag. To the individual oil men and the money in their pocket--it is advantageous to us to do what is proper in the way of conservation. We have found in the long run it hasn't hurt us a bit. We are doing better business than we did before."

Council Member Horn discussed the situation in Colorado where stockmen and Federal agencies have been cooperating successfully on range conservation. In a number of cases it has been possible to improve the range, through treatments and better management, without reducing numbers of animals. In other cases reductions have been necessary.

Mr. Kimball discussed the question further, recognizing that this is not all a domestic livestock problem; wildlife is also at fault. A number of States are quite backward in their game management and contribute to range depletion. Range improvement without reductions is desirable where possible. Reductions for conservation should be considered temporary. There is no disagreement on mutual objectives; too little progress has been made in the last fifty years. Mr. Kimball stated:

"We either have to agree that our ranges are in poor condition as is stated by our range technicians, or we have to disagree with that and do some more fact-finding to determine whether it is a fact or not."

He then noted that once the condition is recognized, it is next necessary to explore for a solution mutually and voluntarily, rather than engage in personal attacks and political moves and hearings which merely postpone the inevitable. Perhaps some type of combined effort could be arrived at to make the financial losses less hard to bear by permittees.

Mr. Kimball remarked that the source of our National strength and wealth is our natural resources. They must be protected. There is a common problem. The wildlife interests are willing to explore ways of solving it with the stockmen. But there must be a proposal different than just opposing necessary temporary reductions in grazing.

Council Member Lincoln stated that the inference that a majority of stockmen resist reductions in licenses and permits is wrong. In Idaho the majority have taken reductions cooperatively and by mutual agreement. Stockmen realize the problem and are working it out. The livestock people on the whole have been cooperative.

Mr. Kimball replied that many stockmen do not resist adjustments. However, there still is the problem of needing to improve the condition of 80 percent of the range. Perhaps the Bureau of Land Management has not developed a program of development and put a price tag on it so that Congress can be sold on it. The National Wildlife Federation recommended increased fees because the increase was needed before some Congressmen would consider appropriating more for the public lands.

Chairman Hughes expressed the opinion that much of the range is not as badly off as has been claimed, and that much is being improved. Not all stockmen can be branded as obstinate at overgrazing any more than all hunters can be branded as malicious vandals.

Mr. Kimball referred to the 1962 Summary of Range Condition Reports for 58 Bureau of Land Management grazing districts. Only 18.2 percent of the range area is improving, 64 percent is static, and 17.8 percent is declining. The interest is in improving the renewable resources. This is a common objective. There is disagreement on procedures and methods; there may be disagreement even on the attitude in the past. What is past is prologue; what ought to be done now, regardless of what has gone before, is to explore the possibilities of getting the trend of range condition of the western range lands up, and forage production up, so that it will benefit all.

Council Member Lee commented that in New Mexico the Forest Service tried unsuccessfully for 50 years to correct grazing problems by cutting. On the Federal range there has been success by restoring the range by fencing

to control the land, and by other practices. The range is now 50 percent better than when the Taylor Grazing Act was passed.

Chairman Hughes thanked Mr. Kimball for his participation.

Council Member Stringham stated that stockmen want to discuss these issues more with the wildlife interests and to work with them more.

Council Member Brownfield asked Mr. Binford to discuss further the proposal for a $2.00 stamp for users of the public land. How would the system be policed? A problem would arise since most people can't tell Federal and private lands apart. Many people enter private land in New Mexico on a pretense of prospecting for minerals. Perhaps the use of a stamp would make this situation worse for private landowners.

Mr. Binford responded that the Secretary of the Interior suggested an idea similar to an automobile sticker. It would cover the use of national parks, national forests, and reservoir areas, as well as Bureau of Land Management land. It would have a much heavier impact back East than out West. Some eastern public lands have as many as six million visitors, more than any in the West.

Mr. Binford had presented a different idea to the committee. The user of the lands is an individual, not an automobile. There should be a sense of individual responsibility for the use as well as for paying for it. The suggestion is that a stamp or an identification card be used which would carry a serial number and some markings to keep it from being too readily mass produced. The individual would identify himself on the card. The card could also carry some conservation message on the reverse, such as responsibilities on the public land, trespassing on private lands, etc. It would be purchased at the post office. Research indicates that $1.00 or $2.00 could produce revenue of about one hundred million dollars. Under the present proposal, the income would be used in the States for the development and acquisition of recreational lands. In the West it probably would be mostly for development. In the East it would be mostly for acquisition.

The proposal would require States to develop a comprehensive recreational plan. The use of such a card would cause problems of identification of public land boundaries. Enforcement would be by spot-checking, as with the present migratory waterfowl stamp. Most of the resistance to the proposal is in the West, rather than the East where most of the payments would be made. This may be due to the tradition of free use of public lands. Experience with the "duck stamp" has shown that public acceptance and support can be excellent. Recently the "duck stamp" price was increased $1.00 at the urging of those who buy the stamp.

Council Member Brownfield commented that in New Mexico the ranges are fenced. Each rancher rates his own range, and most adjust their rates

of stocking voluntarily each year. Others are persuaded by the advisory board and the Bureau of Land Management. Community allotments are not likely to be properly cared for. Individual permittees must be involved and have an incentive that is lacking on community allotments. Proper fencing would help greatly. Large ranges are easier to manage properly than small ones; greater flexibility is possible.

Mr. Binford noted that laws and rules are most effective when attitudes are right. Many of today's problems are attitude problems.

Council Member Swallow remarked that, in an earlier speech, Mr. Binford was reported to have stated that recreation user fees would greatly exceed grazing fees, and it would not be necessary to run livestock on public lands. The important thing the area and the Nation derives from grazing is the creation of new wealth, not the grazing fees or taxes on the industry. Would it be good for the Nation to remove stock from the range?

Mr. Binford denied the report that he advocated the removal of livestock from the public lands either in his Colorado speech, which is of record, or any other speech. Mr. Binford then expressed the definite opinion that the public lands have multiple uses, and that livestock grazing is one of the primary uses in most areas. Multiple use is not incompatible with many phases of recreation, including wildlife. The land should be rehabilitated and the livestock increased. In many counties the few numbers of livestock now grazing there cannot be afforded. They must be doubled or tripled for the sake of the local community.

Council Member Jonez asked Mr. Smith to amplify on the part of his speech about wildlife interests paying their own way.

Mr. Smith replied in summary that there is no specific fee charged for wildlife grazing. The Arizona Game and Fish Commission budget is about $2½ million. Half the time of 50 field men is devoted to gathering facts about game and range conditions so that the harvest can hold populations within range capacities. Eight men are on full-time research projects and cooperative studies; this costs about $90 thousand per year. In addition, about $200 thousand is spent each year on water development and other range improvement projects. Thus, hunters are paying their way on the range.

Lands can be taken from wildlife use as well as from domestic grazing. The Bureau of Land Management is basically responsible for adjusting livestock use and for telling the State whether it thinks big game management could be improved. In some cases game have over-used the range. Much research is needed on multiple use of the land.

The Bureau, the stockmen, and the game and fish departments should work together in solving range improvement problems. Given adequate tenure through a land classification system, ranchers will invest in range rehabilitation and management. Wildlife interests would be willing to shave range

improvement costs. Perhaps it would be better to ask Congress for matching funds rather than the whole amount.

The only way tenure can be obtained is to eliminate the pending disposal situation and get into active management, recognizing that holding these lands in the public ownership is, in most instances, best for the Nation in the long run.

Council Member Stringham remarked:

> "...Many, many years ago Uncle Sam said to these sturdy individuals, 'If you will go out West and improve that area, I will do three things. First, I will give you 160 acres practically for nothing. I will give you water and papers for both of them. Then I will throw in the great public domain surrounding that area, and you may use that free of charge.' Now he comes along years later and says, 'Now look, I can't take your water; I have signed a paper on it, and also your farm of 160 acres, but I am going to take this that I merely promised you. I know it will disrupt you, and I am not going to pay you for it.' Is that morally right?"

Mr. Binford responded in summary, that it isn't morally right, but the illustration is not comparable. The Taylor Grazing Act was passed to stabilize the use of the lands not administered by the Forest Service. Organization of grazing districts, and issuance of privileges to local ranchers on the basis of prior use and commensurable base property, resulted in various amounts of privileges going to various stockmen. Some got no privileges. There was much unhappiness on the part of those who didn't qualify, some only because they didn't happen to have stock during the priority period. There are only 18 or 19 thousand who do have grazing privileges in the districts. Those "rights" have become valuable, partly because of the existence of low fees. There is no question that the holder can sell his privileges in the market.

The problem is what to do if a permittee loses his privilege? From the beginning privileges were issued subject to termination by two conditions: (1) violation of the regulations, and (2) final disposal of the land.

The provision for final disposal was in the original act. There has always been the risk of termination. On the national forests, permittees didn't even get a right of renewal. Actually, Bureau of Land Management permittees on districts acquired something good. Those holding section 15 leases are not as well off; they have no vested privilege, no right of renewal.

If the rancher loses his "rights" it is by either his own violation of the regulations or by the Government taking or permitting the taking of the land for another use. So, if compensation is to be discussed, it should be discussed only in the situation where the public takes the land. If the permittee is reduced a half, some say he should be compensated. If he is reduced all, some say he should be compensated. But

this would be setting a precedent in Government that would have to be applied to many other fields. It would be extremely difficult to establish, not from the moral point of view but with regard to the practical politics of getting Congress to authorize it. In an effort to get Congress to do it; "Pandora's box" would be opened. What would come out? Would the present 18,000 keep the "right" they now have in perpetuity? A lot of these lands will stay in grazing forever. There does seem to be an opportunity to help the situation through accelerated land classification and comprehensive planning to identify areas likely to be taken for other uses. This might ease the shock of adjustments. You can't get Congress to make an out and out payment for loss of privileges. Long-range planning can help to correct these difficulties. There is no question, though, about the appropriateness of compensation for improvements if the use of the land is changed. Such a plan is now proposed legislation. The Izaak Walton League has never taken formal action on it, but would probably support such a bill.

Council Member Swallow commented on the role of the Council, ranchers as conservationists, and the public interest in public lands. He requested Mr. Smith to expand on his statement that it is for the general good of the public to retain public lands in public ownership, asking, in part, "...If the Mid-West and part of the southern States were now in public ownership, would you still take the same view toward the Mid-West and the South?"

Mr. Smith responded in summary that in New Jersey, Ohio, probably Wisconsin, and other States in the East, cigarette taxes and other methods of financing have been instituted to raise many millions of dollars to acquire land for public recreation purposes. The West already has those lands. Why not plan for their ultimate best use now and avoid having to spend these fantastic sums of money later to acquire small areas for recreation? In long-range planning, it must be recognized that certain areas are more attractive to people. People want places they can go within a day, camp over night, and return home. Several surveys have shown this. High intensity recreational areas can be developed which will be naturally attractive to these people, and keep them off other lands that can be kept in more or less a wild state. Most people want to go out in their car and pitch a tent out along a stream, or in a canyon, or under some trees. This end should be catered to, thus keeping them off the wild lands by concentrating them on developed areas. That is why the Land Conservation Fund Bill would be very desirable.

Council Member Swallow noted that 87 percent of Nevada is Federally-owned. Substantial amounts of the land could be devoted to recreation and multiple uses, but this would not justify continued ownership of 87 percent as in the best public interest.

Mr. Smith agreed and commented further that this illustrated the need for land classification to determine what lands should go into private ownership.

Council Member Kidd stated that the Bureau of Land Management should speed up land classification and speed the establishment of individual grazing allotments. As soon as the Bureau establishes individual allotments, stockmen will take care of their problem. They will reduce use and revegetate the land where necessary. Experience in Idaho has demonstrated this. Some stockmen are making more money from an 80 percent herd than they did from the full herd before. Some have not increased their herds again, even when possible, after such an experience with a temporary reduction. In many cases, on both national forests and grazing districts, temporary reductions in use have been restored. Mr. Kidd asked Mr. Smith about competition between game and livestock on a range properly grazed and in good condition.

Mr. Smith related some experiences in Arizona in attempts to manage vegetation for game browse. He indicated that considerable additional study is needed on the question of game-livestock competition.

Mr. Stringham and Mr. Smith discussed problems of determining game populations and estimating use of the range by game when the range is used by both game and livestock.

Thereupon, the discussion terminated and Chairman Hughes adjourned the meeting at 4:52 p.m. to reconvene at 8:00 a.m., Tuesday, March 12.

Proceedings - Morning Session, Tuesday, March 12

The Council reconvened at 8:00 a.m., Tuesday, March 12.

Director Landstrom introduced Jerry A. O'Callaghan, Assistant Director for Plans and Legislation, Bureau of Land Management. Mr. O'Callaghan summarized the following major legislative proposals:

Multiple Use. The multiple use draft bill provides that certain public lands shall be managed for domestic livestock uses, fish and wildlife development, industrial development, mineral production, occupancy, outdoor recreation, timber production, watershed protection, and wilderness preservation and other beneficial purposes.

Multiple use is defined as "the management of the various surface and subsurface resources so that they are utilized in the combination which will best meet the present and future needs of the American people, the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions, the use of some land for less than all of the resources and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative value of the various resources

and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output."

In another subsection it defines "sustained yield." Sustained yield of the several products and services means achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various remunerable resources of land without impairment or the productivity of the land.

Public Sale. The public sale draft bill would authorize the Secretary to sell at the fair market value to government units or to qualified individuals public lands which the Secretary classifies as proper for industrial, commercial, or residential uses and for which he identifies no other Federal requirement.

These sales would take place in tracts not to exceed 5,000 acres. Certain preferences for the contiguous land owners may be extended, depending on the extent of the contiguity, the duration of ownership, the legitimate historical use, the topography and the desirable land pattern and use.

Agriculture. This bill looks to a prior designation of an area by the Secretary before he will entertain applications under the agricultural land laws. The Secretary has to find that the physical, economic suitability for the cultivation exists, taking into consideration such factors as the soil, topography, climate, the supply of irrigation water and access to markets, plus any requirement that might exist for its continuing public ownership. Under the terms of this bill the Secretary would not entertain applications for agricultural entries unless he had already designated the area as being one in which he will entertain them. Having entertained applications and all else being in order, the land would be transferred at its fair market value to the applicant, at its fair market value less $25.00 per acre.

Mining. This bill divides itself for discussion purposes into two parts. One of them looks to the creation of a new claim. The technology in the mining business is such that the discovery of future ore bodies seems to lie in geophysical and subsurface exploration and that poses some legal problems, having to do with the requirements for discovery, having to do with the requirements of discovery, which is the touchstone of the present mining law. This bill reaches out to meet this new technology by authorizing an exploration claim not to exceed 160 acres in extent with any person permitted any number of claims in a state to an aggregate of 5,120 acres under claim.

The claimant gets the right to explore for five years. He is required to do on this exploration claim assessment work at the rate of $10.00 per acre for the first six years and then $20.00 per acre for the succeeding two years. If within that five years he makes a discovery, then the claim ripens into a mining claim under the mining act. If not, the claim is terminated.

This bill would also require that claims be recorded with the land office in addition to any place else they may be recorded. Another simple provision is that the claims will be located by legal subdivision or in the absence of dealing on surveyed land, that they be laid out along the cardinal points of the compass.

It terminates extra-lateral rights so that no minerals can be claimed outside the bounds of this rectilinear claim. With respect to existing claims this bill would give the claimants two years to come forward and record that claim or face abandonment of the claim. This is a provision that would erase thousands of claims that have been staked in the past which are not actively worked by any means and yet, under the present law, are valid until the government wants to go to quite a process of getting them declared invalid.

The bill also provides that a claimant who successfully goes through the mining patent procedure would be required to pay the fair market value of the surface of the claim. The need for this is that the presence of minerals, possibly low grade, even though they meet the tests of the discovery which is the essence of a claim under the mining act, do not become the means thereby of carving out an estate of highly valuable surface resources.

Exchanges. This proposal provides that exchanges shall be of equal value except that, in certain cases, if the offered land equal two-thirds of the value of the selected lands, then the difference can be made up in cash. Exchanges sometimes fail because the offeror can't make up the equal value; he has run out of lands and there is nothing more that he can offer that equals exchange value by cash. On the other hand, the requirement is that only a third of it can be made up by cash, so that the exchange can never be turned into disguised sales.

Director Landstrom next introduced Dr. Edward C. Crafts, Director, Bureau of Outdoor Recreation. Dr. Crafts talked with the Council concerning the role of public lands in outdoor recreation. His statement is included as Appendix No. 6 to these proceedings.

Following his presentation, Dr. Crafts opened the session to questions. Director Landstrom requested him to discuss further the relationship of the designation of special use areas to the multiple use concept. Dr. Crafts replied that there are special areas designated for a primary purpose. It can be argued that this is a single use or that it is a multiple use, depending upon the definition of the concept. There are proposals for the creation of national recreation areas, but recreation is one of the multiple uses of most areas.

Council Member Stringham asked what criteria are used to determine what agency assumes responsibility in the administration of recreation uses in a multiple use program. Dr. Crafts replied that the determination should be made by Congress with regard to national recreation areas. In most instances the present administering agency will continue the administration.

Council Member Swallow asked what the size of proposed recreation areas would be and whether other uses would be excluded from such areas. Dr. Crafts stated that the concept being considered by the Advisory Council for national recreation areas is that other types of uses would be permitted but that recreation would be the primary use.

Concerning grants in aids to State agencies, Council Member Jonez asked what the proportionate share would be and why maintenance had been omitted from the program. Dr. Crafts responded that the proposed proportionate share of the conservation fund is 60 percent to the States and 40 percent to the Federal Government, plus or minus 15 percent either way. The proposal also provides for State matching of Federal monies apportioned to the States in a ratio of 70 percent State to 30 percent Federal.

Dr. Crafts then indicated that development, or capital investments, would be permitted with stringent limitation for the first 10 years. Maintenance--the day-to-day operation and running of an area--should be done by the States after the lands have been acquired and developed by the States with Federal assistance.

Chairman Hughes asked if there would be an understanding or agreement with the States that they would be responsible for maintenance before areas were created. Dr. Crafts responded that the States are supposed to develop State-wide recreation plans which would, among other things, certify to their readiness and ability to maintain and operate such areas.

In the event that a water recreation resource were created on public land, Council Member Hernandez asked what the policy would be toward the retention of recreation water in times of drought. Dr. Crafts replied that this had not yet been determined.

Whereupon discussion terminated and the Council recessed at 9:26 a.m. to reconvene at 1:30 p.m. the same day.

Proceedings - Afternoon Session, Tuesday, March 12

The Council reconvened at 1:30 p.m.

Director Landstrom introduced Eugene V. Zumwalt, Assistant Director for Range and Forestry, Bureau of Land Management, as the first speaker for the round table discussion of multiple use in resource programs.

The presentation by Assistant Director Zumwalt is summarized as follows:

Much has been said, yesterday and today, about multiple use. The concept of multiple use is not new. Carl Schurz, Secretary of the Interior in the late 1870's publicly emphasized the optimum use for the greatest public benefit. The well-known directive of Secretary of Agriculture Wilson in

1905 stated that policy matters within the Forest Service would be decided upon the greatest good for the greatest number in the long run.

The multiple use concept has been developing through the years, but especially since World War II pressures and demands on natural resources have accelerated and a great deal more is being heard about the concept. It is good business to practice multiple use. All the resources obtainable from the lands are needed, but they need to be used in such a fashion that one use doesn't necessarily exclude another use. A harmonized combination of these uses should provide far greater benefits than any one use.

Multiple use concerns large areas. Both Mr. Binford and Mr. Kimball emphasized yesterday that the concept does not involve each and every use being present upon each and every acre. This might be the case in certain instances, but it is not the general concept.

It is good business to practice multiple use. It is an economic problem in the broadest sense of economics. Intangible uses and those not susceptible of monetary measurement must be considered, as well as those commonly measured in dollars and cents.

The Bureau of Land Management has been practicing the concept of multiple use for many years, but the pressure on the resources is growing and making it a more detailed job of administration.

The Bureau is attempting to practice multiple use administration in a systematic manner. First, it is necessary to know what resources there are. This is being taken care of by a land inventory. The public domain areas are being divided into master units. These are areas with homogeneous characteristics that facilitate analysis and planning. Within the master units, range surveys, timber inventories, and other studies will provide a detailed picture of the resources available. With proper analysis and classification of the lands, an outline of a definite multiple use program should be possible.

Cooperation from resource users is essential to a successful multiple use program.

Council Member Lee asked for an explanation of the term "sustained multiple use." Mr. Zumwalt responded that it refers to use of resources without endangering their future productivity. In further exchange with Mr. Lee, Mr. Zumwalt pointed out that the concept of sustained yield does not necessarily involve revenue yields, but actual use and yields in physical terms. Illustrating, he stated:

> "...This concept of multiple use is that forage would not be cropped to the extent that it would result in a deterioration of the forage. It is the same as our concept of sustained yield in timber. Under sustained yield management of timber, we cut only the growth that is put on, leaving the capital intact."

Mr. Lee commented that he couldn't see that the concept applied to mining or to recreation.

Mr. Zumwalt responded that the concept of sustained yield applies to renewable resources.

Mr. Zumwalt then introduced Council Member Christensen who also addressed the Council on multiple use.

In discussing multiple use theory with other members of the Council, Mr. Christensen indicated that there may be some conflicting views. Through acts of Congress many lands went into single use; they were the most valuable lands. Now the residue lands, the less valuable lands, remain.

Council Member Etchart mentioned that the lands that have gone into private ownership aren't necessarily single use lands, and that this one-sided picture should not be given to the public. Actually, those who own range lands are practicing multiple use on them because wildlife graze them, there is recreation on them, and they are used for timber, grass, and watershed.

Mr. Christensen indicated that the original intent was that lands going into private ownership would go into single use. The act which set aside lands administered by the Forest Service originally set them aside for a single use. However, other uses were found; Forest Service was probably the first to find that multiple uses enhanced the property. Multiple use has been practiced on Bureau of Land Management lands for a long time. There is now proposed legislation that will make it official. This Council has become a multiple-use Council.

Mr. Christensen told of a large sheltered game refuge set aside in southern Oregon. It had a tremendous population of antelope, and use was restricted to antelope and livestock were excluded. Because there was no livestock use, the antelope population has almost disappeared. If livestock had been used to open up trails and utilize the plants that compete with antelope feed, the antelope would have been much better off. Because it was used for a single use, it practically went out of business for what it was originally intended.

Mr. Christensen suggested that Mr. Etchart also comment on multiple use. Mr. Etchart remarked that his ranch was a typical example. The production of feed was broken down and it was found that something like 18 percent feed on this ranch was produced on public lands. The ranch has never been posted for hunting or recreation or anything of this nature, because of the intermingled nature of the land and for other reasons. Game as well as livestock are getting approximately 82 percent of their forage from private sources. This is a true multiple use, not only of Government lands, but also of private lands. This is a good example of how the multiple use concept has worked in the entire area. It should be pointed out to

the other users, that multiple use isn't confined to public lands only. In Montana Mr. Etchart indicated multiple use applies to private lands as well as public lands.

Multiple use has been practiced on private lands all these years. This is an important point.

Mr. Christensen then noted that California became the largest State, population-wise, this year; probably it will double in population by 1980. The people are putting tremendous pressures on our public land. Those who live in northern California are going to furnish the playground for these people, and recreational uses are going to have to work in with grazing, timber, and water. The northern part of the State is going to have to furnish water for these people. All of the uses are going to have to come from the same land. Californians appear to be very conscious of the multiple use theory.

Next Mr. Zumwalt introduced Bruce Anderson, Council Member from Colorado.

Mr. Anderson explained his interest in the non-renewable resources. To illustrate multiple use, he explained that his company is drilling an oil and gas well north of Douglas, Wyoming. In the same vicinity, cattle are grazing, there is an open pit mining operation, hunters will hunt this fall, there is a small logging operation, and there is a military installation nearby. All of these uses are getting along well in the same area. Occasionally there will be differences among users, but they are normal human differences and can be settled.

Mr. Anderson went on to explain that what the oil and gas industry wants is to be able to go upon the land, explore for oil, produce it, and transport it off the property through pipelines with access and egress. He pointed out that leasable minerals on public land have been involved with multiple use since 1920, and that they recognize the Government as the landlord and have learned to live with it. The conservation practices built up over the years have been good for the industry and the Nation. In their relations with the cattlemen they have been able to get along by having the Ethics Committee of the Oil and Gas Associations meet with the cattlemen's associations.

Mr. Anderson said that speaking candidly they cannot accept the idea of pure wilderness. They do not oppose wilderness, but they do oppose unthinking wilderness. The rest of the leasable mineral business is similar to the oil and gas industry in the multiple-use principle.

In discussing the mining industry, Mr. Anderson stated that they had not been wholly converted to multiple use but that this will slowly change as more multiple-use acts are passed. In summary, he said the extractive industries live under multiple use by necessity and because they found it has been good for them, and they believe in the principle.

Director Landstrom opened the discussion at this point by relating comments made by Secretary of Agriculture Freeman in Detroit where he said he wants multiple use on the farm lands and ranch lands of the country. There are some 50 million acres of crop land now cultivated that will have to be retired from cultivation. His main interest is to get use other than the traditional farm use such as fishing ponds, hunting clubs, industrial use, etc.

Chairman Hughes asked Assistant Director Zumwalt to state his understanding of multiple use as it will affect continued grazing of livestock on the land. Mr. Zumwalt replied that the effect would be in localized areas. Probably for a long time to come the principal use of much of the Western rangeland will be grazing of livestock. Some uses would not be compatable with grazing, such as where livestock would be detrimental to timber production.

Director Landstrom stated that the Taylor Grazing Act is a multiple use act. If it is viewed this way, lands could be administered under it longer rather than be shifted to administration of another agency when grazing might be eliminated entirely.

Council Member Lee explained a problem of motorcycle clubs damaging the range and rounding up cattle.

Director Landstrom said that the time of free and easy access and use of the public lands is beginning to decline. Assistant Solicitor Tudor suggested that the problem might be resolved by an ethics committee approach. If not, the United States attorney might be able to help.

Council Member Herandez of New Mexico stated that he was an educator by profession and asked to go on record that: "If Federal funds are going to be used for education, they be issued with the understanding that conservation must always be taught in any field where it can be taught, to everybody."

Council Member Lincoln raised a question on a proposed amendment to 43 CFR 161.5, published in the Federal Register, March 5, 1963. He said he was not opposed to wildlife interests acquiring AUMs, but he did not favor setting aside specific areas for wildlife. Discussion on the point followed.

Director Landstrom next introduced Assistant Director O'Callaghan.

Mr. O'Callaghan reviewed ten uses of the public lands as contemplated by the multiple use bill. He then illustrated that there is already statutory authority for dealing with these uses taken singly. Domestic livestock is recognized in the Taylor Grazing Act. Fish and wildlife habitat is also recognized in the Taylor Grazing Act. The Bureau does not have the capacity to deal with industrial development that is desirable, but there is, under the Small Tract Act, some authority to

deal with industrial development and business development. The various mineral acts, the mining law itself, the mineral leasing act, and the materials act all give authority to deal with the mineral wealth. Occupancy comes under the Small Tract Act and the Homestead Act. In outdoor recreation, authority comes by construction of the general statutes. With respect to timber, there is the O&C Act and the Materials Act. Watershed is covered in the Soil Conservation Domestic Allotment Act and the Small Watershed Act. Wilderness preservation is provided for through the exercise of the withdrawal authority of the President, which has now been delegated to the Secretary of the Interior.

Each of these authorities was formulated to put down a body of substantive law with respect to a particular use or resource. Multiple use, however, looks to a skilled coordination on a planned basis, on the proposition that a skilled coordination will produce results that in the total, in terms of human benefits, will be greater than the sum if those resources were dealt with singly.

That becomes the reason or the rationale for the forthcoming recommendation to the Congress, that a multiple use authorization would be desirable, so that a public policy can be created by which coordinated use will give benefits greater than the uses when they are taken one by one.

From the standpoint of the user, the multiple use bill should give him this assurance that his particular use is not going to be arbitrarily or capriciously set aside; that no other use has any priority over his, just as his doesn't have any priority in any given situation over anybody else.

Mr. O'Callaghan noted that a multiple use act would be a corrective in the reliance of people on any one law. The livestockmen view the Taylor Grazing Act as the law with respect to the public lands. The oil people view the Mineral Leasing Act as being the law with respect to the public lands. It is the one they operate under all the time. If there is a multiple use act, people, users, the general public, will be forced to look at more than one statute and read any one statute in the light of the multiple use statute. There may even be some benefits for the Department and the Bureau, in that the people who administer one law sometimes get very involved in the administration of that law. Mr. O'Callaghan then remarked that the multiple use act would give the administrators an opportunity to avoid over-concentration or too narrow a focus on any one law.

Director Landstrom next introduced R. D. Nielson, State Director for Utah, Bureau of Land Management, who spoke on technological considerations. He stated the first thing that must be done to determine management objectives is to inventory the resources and the lands. The Bureau must limit its use to the physical characteristics and capabilities of the lands administered.

Soil is one of the important resources that must be manipulated to best advantage to provide for continued productivity. Topography is a physical

characteristic that can't be changed except by leveling and by contouring roads on the lands. Latitude and elevation must be left alone. The biotic influences, animals and vegetation, are probably the biggest opportunities for manipulation. This can be done by such practices as reseeding, chemical spraying, burning, influencing the management of grazing animals, and to some extent insects and rodents.

Each use of lands has some impact on other uses. Lands once considered primarily valuable for grazing take on added significance as watersheds when the need or demand for water increases. Balanced use is the use of the lands and resources in such combinations as best meets the needs of all citizens without impairment of the productive capacity of the land and resource for future needs. This brings in the concept of not only what the land is best suited for today, but future needs.

Mr. Nielsen then asked: How can these factors be manipulated? Some ways are by introduction of fertilizer, moisture conservation practices, and maintaining effective vegetative cover. There are many side effects to these manipulations. It has been pointed out that the Bureau of Land Management has contributed to its own problems by developing water on the public lands. Habitat has been created or changed; and season of use has been extended. The inability of the vegetation to withstand the additional grazing has resulted in deterioration. The removal of undesirable shrubs has increased the competition for forage. Where vegetation has been removed, less desirable species have moved in. Improvement of access encourages activities which compete. Water is hauled to extend use in drought areas and there may be excessive use of the resource. Building roads disturbs the soil and allows invasion of noxious weeds such as Halogeton. Added mobility causes serious conflict with wildlife, especially fisheries. Oil and gas development, as a side effort, has developed water to accomplish balanced use, but has again increased access. Recreation is coming into conflict with other uses.

When building of dams and reservoirs change access to wildlife winter range, there is pressure to exclude or reduce livestock grazing to provide forage for wildlife.

Mr. Nielson then asked: What has been done with improved technology? There have been considerable advances in using many species of wood which were not previously considered commercial timber. Four-wheel drive vehicles have increased mobility and access. Whether this is a contribution is still debatable. Improved geophysical exploration and drilling have partly taken the place of excavation in mineral prospecting. Pesticides and herbicides have been developed. Machines have been improved to manipulate soil and water. Over all technological advances of mechanization, chemistry, physics, and other sciences have promoted higher living standards, longer life span, and consequently more people, shorter work week, more leisure time, more effective communications and mobility, all of which create public demands for public lands. Mr. Nielson stated that the primary objectives in the multiple resource program should be decided not by trial and error but from past experience plus research.

Director Landstrom next introduced Council Member Williams who discussed in detail an inventory to tabulate the resources in Soil Conservation Districts; how they could be protected and developed for the sustained economic benefit of the people within the district boundaries. He illustrated his own district in northern Santa Fe County, New Mexico. The inventory showed a great potential in tourist and recreation attractions. This was integrated into a county-wide plan and from this into an over-all economic development plan for seven counties. It was well received by representatives of the Interior and Agriculture Departments. The program will cost 492 million dollars. It will be financed by government and private capital and will include such things as ski lodges and other recreation facilities. This is an attempt to prepare the area to invite people to stay longer, to come again and bring their friends. By this approach it is believed that wealth of the entire area can be doubled.

Director Landstrom then introduced Associate Director Hochmuth. Mr. Hochmuth indicated that Council Member Rea was to have presented the social aspects of multiple use and of the management of public lands, but that Judge Rea was unable to attend. Therefore, Mr. Hochmuth opened the subject by viewing the social and political activities affecting the public lands, and cited a few cases in point.

Referring to the Upper Colorado River Storage Project and the project 20 years ahead, Mr. Hochmuth indicated that this vast project will change the land, change the number of people, change the structure of the county government. The large water storage projects in the West will change the whole social and economic aspects of those areas. The demands for the resource will shift in dramatic manner and the public lands must make their contribution.

The question of what to do in manipulating resources may turn in part on how the local people, the users, and local government officials feel about it. These things can't be planned and can't be done without considering the views of all interested parties. When the Bureau doesn't consult, it gets little done.

Access roads are built to develop the resource. Roads bring people and people bring a whole host of new situations to the land. That is why the Bureau has fought but with little success for a recreation development program. Protection of the resource from people must follow access. Once the access is provided there is no turning back.

Sooner or later in resource development planning costs must be determined, whether they are direct costs or indirect costs, or whether the benefits are direct benefits or indirect benefits. Benefit cost analyses of the development of public lands are necessary. All possible data must be obtained from the economy that is being supported or that will be supported.

Mr. Hochmuth then stated that with all the technological considerations bearing on multiple use and the increased use of all our resources, the conclusion is reached that social considerations will more directly affect resources than technical considerations.

Director Landstrom then called on Council Member Rostvold to present socio-economic considerations. Dr. Rostvold enumerated the economic uses of the public domain, including the private interests served--grazing, mining, timber, industrial, urban and commercial. The economic aspect of the use of the public domain brings into focus the manner in which private interests use the public domain to pursue self-interest, and at the same time, serve society.

The other intriguing aspect of the public domain is the social use of the public lands for recreation, conservation, wilderness preservation, wild-life, watershed and other public facilities and the dilemma of deciding how we shall use these public lands.

Economic uses cover the manner in which private interests find it feasible to use the public lands. Social uses cover the manner in which the general public interest shall be served. The problem of developing and using the public lands for private and social use is long-range, and there is room for all. But there are important policy questions, one of them being how to achieve a workable allocation of the public lands between and among alternative economic uses. Grazing versus urban encroachment is one of the problems. Another question that has emerged, which concerns the allo-cation of public lands among various social uses is: "Shall we use the public lands for recreation purposes or shall we preserve them under the wilderness bill?"

We live in a society where change is inevitable. The society has to adapt itself in the social and in the pure economics sphere to the changes that occur. Two changes are a rapid rate of population growth and an accelerated rate of industrialization of the West.

Dr. Rostvold summarized the population growth figures for the eleven western States from 1940 to 1960 and the population projections for 1970 as developed by the Census Bureau. In 1940 there were about 131 million people in the U.S.; now perhaps 186 million. The forecasters indicate we must expect 214 million people in the U.S. by 1970. The population in the eleven western States has grown from almost 14 million in 1940 to close to 27 million in 1960, and the population growth forces continue. Southern California is adding eleven hundred persons to its population every twenty-four hours; sixty percent of these people come by in-migration, the balance by net increase in birth.

There is no escape from the population growth and the industrialization that follows.

This is a highly mobile population and a high income population. The West is very wealthy. With all of these social characteristics comes the concept

of leisure time. This highly mobile, very wealthy population which believes in using the gifts of nature for weekends, seems to be willing to pay the price.

In the matter of land management, Dr. Rostvold cited the experience of San Bernardino County, California, which underwent the pressure of the Small Tract Development in the post-war period and built slums of the future. Rural renewal is already being discussed on what used to be very valuable public lands. The facts are that the public policy set of ground rules had not been developed which would say every acre of public land is valuable and a single acre cannot be committed to either a private or social use without making certain that its inherent character is preserved. As the population growth continues and as industrial expansion occurs, the land areas will continue to be used up.

Based on the existing pattern of land usage in the West and based on the population growth rates which are expected within the next few decades, Dr. Rostvold estimated that at least ten million acres of open space are going to be committed to urban use in this decade. There is going to be no mass encroachment of urban growth upon the grazing lands of the West. But in such States as Nevada, California, and Arizona, urban growth is going to have a very direct impact. The West will become open season to the recreationists, the hunter, and the rock-hound. There are no artificial boundaries that can be set up between wildlife, grazing, urban, and the other interests.

Dr. Rostvold ended on this philosophical note: The age-old adage of man against nature provides an appropriate description of the manner in which urban growth will encroach upon the original gift of nature. The modern paradox is that man, not nature, is the aggressor. The onus is upon us, men of good judgment, to preserve the wonderful heritage and the gifts of nature and not let us in the process of urbanizing the West destroy the very great fruits of economic and social resources, with which nature gifted us. That is the story as the economist sees it.

Council Member Lee asked Dr. Rostvold if his discussion had assumed that we won't go to war. Dr. Rostvold replied that we are spending fifty-five billion dollars a year on defense. It is true the economic impact of the war would produce different results.

Council Member Stringham asked Mr. Hochmuth if BLM proposes to show benefit ratios in all of these major projects. Mr. Hochmuth answered that BLM feels certain if the ratio of one to one is used without calculating the social and off-side benefits, BLM can show it. Director Landstrom added that it is beneficial to analyze both benefits and costs. BLM is going into a crash effort to provide costs and benefit estimates for any projects now developing.

Council Member Whaley asked Dr. Rostvold on the projection of ten million acres being committed to Urban Development, what percentage would be

public lands. Dr. Rostvold replied that this question had not been studied independently. He then expressed the opinion that Nevada would have pressure on public land to convert to industrial, residential use, as well as Riverside County and San Bernardino County, California.

Thereupon, the Council adjourned at 5:05 p.m., to reconvene in executive session at 1:30 p.m., Wednesday, March 13.

Proceedings - Executive Session, Wednesday, March 13

The Council reconvened in executive session at 1:30 p.m., Wednesday, March 13. After extensive discussion, the Council voted unanimously to adopt the "Statement of Policy" following:

A. We favor the general policy of retention in Federal ownership of the Land Reserve with conversion to single use or private ownership only after proper classification and publication before sale.

B. We favor the compatible balanced multiple-use principle on the Federal Land Reserve.

C. We favor the administration of resources on the Federal (Land) Reserve by the Bureau of Land Management.

D. We favor the theory of tenant-landlord joint responsibility in range improvement and maintenance.

E. Private enterprise should be encouraged to operate recreational facilities to accommodate people using public lands.

The Council also adopted a motion opposing the Department's proposed rule making to change Section 161.5(b) of the Federal Range Code relating to the reservation of grazing capacity in grazing districts for game animals. This motion was adopted by a vote of 12 to 7. All those voting "yes" were livestock representatives; all those voting "no" were wildlife representatives. The names of those voting were not recorded. No minority views or recommendations were offered for the record.

Whereupon, at 4:22 p.m., the 1963 annual meeting of the National Advisory Board Council was adjourned.

I certify that I attended the proceedings of the National Advisory Board Council herein reported and that these minutes are an accurate summary account of the matters discussed and the conclusions reached.

May 6, 1963
(date)

Karl S. Landstrom
Karl S. Landstrom
Co-Chairman
Director, Bureau of Land Management

STATEMENT OF SECRETARY OF THE INTERIOR STEWART L. UDALL
Before the National Advisory Board Council for Public Lands
March 11, 1963

The National Advisory Board Council has assembled here in Washington in its regular annual meeting to advise the Department on the future of public lands. We are all vitally interested in the wise use and conservation of this great national asset.

Two years ago I greeted this Council shortly after I had taken office as Secretary of the Interior. At that time I designated myself as Co-chairman of the Council.

As I greet this expanded multiple-use council today, I am aware that substantial gains in public land management have been made after considering the Council's advice during these two years.

Our country owes its very existence to public spirited citizens who take time to express themselves on Government affairs. You who donate your time and energies as members of this Council deserve special attention.

I don't think that a day has passed lately during which I haven't heard about public lands. For the first time in years public lands are in the Washington, D. C., press.

I know one thing--stockmen and sportsmen include some very persistent people.

I say this in good humor because communication between citizens and Government is the essence of our democratic system. Recent legislative history shows an increasing tendency to grant representation to private groups in the administrative process.

I am impressed by the advanced level of communication the Department has with advisory groups such as the wildlife, parks, livestock and mineral people. This Advisory Board is a key element in this and so are the industry organizations.

I am told, for example, that our Bureau of Land Management people consider carefully the public lands resolutions of the cattlemen, woolgrowers, miners, oil and gas, wildlife, and many other groups, and that they are invited regularly to the public land committee meetings of these organizations.

This two-way street of communication is all to the good. We can all learn from each other.

You must bear in mind, of course, that our people are communicating with many diverse interests, whether directly or through Members of the Congress. The multiple-use character of this Advisory Board is a token of that fact. You must understand that we have the welfare not only of the particular groups in mind but also that of many others--and above all the welfare of the country.

While I must respond to the public's views on the programs for which the Department is responsible, I am equally concerned with how well the Department is doing its total job. It is an endless task to accomplish more within the budget and how to avoid asking for increases to accomplish the broad areas of work that fall under my jurisdiction. I welcome the assistance of this Council.

I must relate the Department's work to the broader objectives of Government. Right now we should like to stimulate national economic growth through development of natural resources.

Without question the public lands--and the variety of resources they contain--can make greater contribution to the vigor of the national economy. There are needs for stabilized supplies of purer water, more abundant forage, sustained yields of timber, adequate mineral, raw materials, and the like.

Outstanding here is a need to liberalize the sale of industrial and urban sites on public lands. Range land rehabilitation is also foremost on this list. An increase well above the present 15 million AUM's of forage on public lands would add greatly to stability and economic growth in Western States.

I am delighted that conservation work on Federal and Indian lands has been speeded up through the Accelerated Public Works Act. Here is a way in which land users are benefitting at the same time that working people are given employment. On-site employment generated by a wide range of conservation projects through the Department currently add up to more than 4,000 years of work and more than $31 million in public works investment.

Individually, these projects are not large. Collectively, they are impressive. In the public lands field, they are breaking new ground--facilities for public outdoor use such as access roads, parking areas, picnic tables, and sanitary facilities are being provided.

I will be in Oregon this week to tour the Oregon Dunes seashore. I will not have time to visit the Vale District. I want to thank again the Oregon delegation of this Council for the encouragement they gave us on the Vale District plan.

The Vale District Board was in my office just a year ago this week. The project is now well under way. The purpose is to demonstrate resource

rehabilitation potentials. Current examples of the successful application of land treatment management systems leave no doubt of attainable forage production far in excess of the current level. Continued adequate appropriations will be needed to give the pilot plan realistic demonstration values.

Substantial benefits will accrue to range users authorized to graze livestock at Vale. The rate at which production can be increased and the degree to which individual range users can benefit will vary. This largely depends on the extent to which the user is willing to contribute his time and effort in carrying out good range management and livestock husbandry practices.

Let me thank also the Oregon Division of the Izaak Walton League, among many others, for its contribution to the Vale Plan.

I am told that there are, right now, in the Elko District, signed cooperative agreements amounting to $250,000 in rancher financed improvements awaiting matching by Government funds. We have an urgent request from the Paisley Unit in Oregon.

More can and will be done. Efforts of this Council will certainly sharpen our attention in the direction of achieving more effectiveness and keeping us within practical limits.

The needed range rehabilitation job will be expensive. Yet a part of it can be achieved at minimum cost and to best advantage if the current exciting and dynamic administration proposal for a Youth Conservation Corps meets with Congressional approval. The effect can be far ranging. All of us recall the vast accomplishments of the Civilian Conservation Corps, even though we deplore the economic circumstances which gave birth to the organization.

Today a combination of both social and economic circumstances make it desirable that we form a Youth Conservation Corps. It requires little imagination to see these young men seeding depleted rangeland, spraying and mowing brush and weeds, stringing cross fences so that we can practice deferred and rotation grazing.

Earlier I referred to the two-way street of communication. I would hope that that street could be cleared of some of the impediments that seem to block it.

For one thing we need greater clarity and more patience toward understanding.

One of the burdens of office is to have one's words distorted or misconstrued and we in Government may not always understand the citizens who approach us.

When I addressed the American National Cattlemen at Las Vegas, I used the term "shocking" in describing the deteriorated condition of some of the public land and I used other adjectives. There was a reaction that I had placed the blame for this squarely upon the present users of the range. Some stockmen then replied that I should place the entire blame on the present people in the Bureau of Land Management.

These are extreme reactions. Neither is correct. The problem is much more complicated than that. The solution lies ahead, not in looking backward.

Another rumor that I want to spike is that I have proposed or now propose to do away with the Taylor Act advisory boards.

There are other misunderstandings. Some spokesmen have asked when would our Department recognize grazing as equal to other uses. Words which my associates and I have used seem to get twisted and we are pictured as relegating grazing to an inferior place. This is not the case.

I have been erroneously described by some as an advocate of what is called "single use", as the key to all phases of resource management.

In reality, I subscribe to the time worn principle of "everything in its time and in its place." In resource management this is called "conservation" or "avoidance of waste." In land management this is called "multiple use."

Under multiple use each use is on a par with others--over the entire system. But each either singly or in combination with others is in its proper place.

If you should have any doubt about my belief in "multiple use" as that principle has been developed over the years, perhaps this will convince you. I plan to send to the Congress a request for the enactment of a bill to extend multiple use and sustained yield principles to the lands administered through the Bureau of Land Management. The Taylor Grazing Act and none of the other public land laws would be affected.

The Multiple-Use and Sustained Yield Act of 1960 confirmed existing practice and is working out well on the national forests. We think the same principle will operate well on public domain pending final disposition.

Let me add that multiple use over the entire system of Federal lands includes an adequate measure of noncommercial uses--wilderness, wildlife habitat, watershed protection, minerals, scientific observation, and outdoor recreation, All of these are full partners in a multiple use system. I understand that the Council has a special committee which is to propose some changes in land tenure.

In this complicated and developed society of ours, changes in science and technology occur rapidly but changes in natural resource arrangements take more time. A basic change in land tenure arrangements is resisted as a matter of inertia. There are often far reaching consequences that are not at first foreseen.

That is probably why a fairly small but essential change is resisted almost automatically and almost must be dramatized to have it placed in effect.

So if it appears to some that the Department of the Interior has gone "all out" to favor wilderness protection or outdoor recreation regardless of the circumstances such is merely the appearance but not the reality.

We are going "all out" to secure a proper place for wilderness protection and outdoor recreation before it is too late. But in doing so we do not want to cause unnecessary harm to other considerations.

We recognize those situations where grazing use does suffer from emerging uses which compete. Realizing this, we have asked Congress to enact legislation permitting livestock raisers to be compensated for loss of the use of authorized range improvements on public lands when grazing is discontinued because of nonmilitary Federal uses.

The improvements generally consist of fences, stock-watering ponds, and similar betterments. Some have been paid for entirely by the authorized users of the land, and in other cases the cost has been shared by the stockmen and the Department.

Livestock men who hold leases or permits on public lands under the Taylor Grazing Act have spent several millions of dollars on authorized improvements. The improvements have contributed to better management and development of the public lands.

Comparable protection for ranchers already exists in the form of regulations, which provide for compensation if land is appropriated for private use.

However, these regulations do not cover cases where land is taken for nonmilitary Federal use, and do not provide authority for other Departments or agencies to make compensatory payments. The new bill would fill these gaps.

This proposed legislation, although just recently submitted, was not a quickly drummed up proposition. The draft was submitted initially nearly a year ago by the Director of the Bureau of Land Management after he had discussed it in 1961 with the Public Land Committee of the American National Cattlemen's Association and this Council. Complications affecting other Government agencies made it impracticable for us to submit it to the 87th Congress.

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As I said, public land issues are in the forefront of the news these days and they are high in the priorities of Congressional attention. You are all aware of the attention being given by the Senate Committee on Interior and Insular Affairs and we are cooperating in that investigation.

President Kennedy, on January 17, communicated to the House Committee, under Wayne Aspinall's chairmanship, and gave the Administration's basic views on public land reforms. These views envisage a joint effort with the Congress to review and revise the public land laws, giving effect to the lessons of the past.

The President called for day-to-day administration of public lands as an Executive function subject to policy guidance of the Congress. Under this framework, positive steps may be taken to overcome the deficiencies of the present statutory structure.

Under this general arrangement, which I think will meet with the acceptance of both branches of the Congress, it is altogether fitting that you as individuals who are Members of this Council should visit the respective Interior Committees to brief them on your views. I understand that the agenda of the Council's meetings have been arranged to permit these visits and I hope all of you will participate.

As I stated two years ago, I am sure you are aware of the trust which the Department of the Interior has for the public lands. Some people wish that Government had less concern for these lands. In the foreseeable future, however, I think the Government's responsibilities for the great bulk of public lands in the West will grow, not diminish. The high public values of the lands and resources--values that have been growing faster than the Government's ability to carry out its responsibilities--demand that all of us take into account the long-term public interest.

In carrying out these duties this National Advisory Board Council has provided in the past and will continue to provide valuable information and advice.

I trust you will join us in these objectives and that your contribution to the Department will merit public approbation.

STATEMENT OF MR. JOHN A. CARVER, JR.,
ASSISTANT SECRETARY FOR PUBLIC LAND MANAGEMENT
Before the National Advisory Board Council, March 11, 1963
Washington, D. C.

Chairman Hughes, and members of the Council:

This message of greeting will be read to you. I apologize for such presumptuousness. But I know that very few in this room will conclude that I am unconcerned about your proceedings today. We have spent too many hours together the last two years for that.

Although I am not with you, I sense similarities between this meeting and one I attended with you in October 1961 at Salt Lake City. The taut and tense atmosphere which prevailed there was a sympton of a belief, shared by many, that the continuance of the Council itself hung in the balance.

We had a choice to make. I've never had any reason to regret the choice I made for a strong, constructive, and proud Council.

Eighteen months ago the crisis was over the procedures and regulations governing the operation of the Council, and its constituent State and district councils. Today's choice, if my analysis is correct, is not concerned with how we work together, but with whether we can continue to work together at all.

Divisive forces are testing our ability -- on both sides -- to keep our attention on the conservation job to be done, and to resist the forces which tempt us to a sterile and pointless dialogue of invective.

The music of praise is especially sweet to the ears of government administrators. They hear it seldom enough. The Department is hearing some of it now -- some of the editorials from about the country credit us with a great victory over the unanimous selfishness of the livestock industry.

I happen to know, as you do, that this is simply not accurate. But how easy it would be to forget the facts, to accept the premises in the accolades, to reduce the complexity of public land management to the false simplicity of resistance to the livestock industry.

The livestock industry did not resist the increase in fees. Some of its members did; some of the members of this Council did.

But since when did a minority of dissent get the right to frame the terms of the controversy?

The livestock industry which uses the public land under the terms of the Taylor Grazing Act, as represented at this meeting today, so far as I am concerned has acted with complete responsibility.

I think we are in agreement on many things. For example, no one reasonably should expect you to like to have your fees raised. Fee setting is a governmental function committed to the Secretary of the Interior. But you were consulted, and you participated in the decision-making process.

We also agree that many issues are a great deal more important. As I have had occasion to tell some of you, and many of the Senators and Representatives from your States, we will not permit the heat of the recently-concluded controversy to obscure the fact that an intensive review of many of our procedures is in order.

The climate for such review ought to be the constructive one that marked our year-long efforts on the fee question. I see no reason why we cannot come a great deal closer to common understanding of grazing capacity, scheduling of reductions or increases in permitted use, procedures for review of administrative actions, appellate procedures, and the whole complex of law, regulation, and exercise of sound judgment at the local level.

We will get at these issues, I pledge, in continuing adherence to a principle I announced to the House Interior Committee a month ago -- that a decent conservation job on the public's lands is possible only with the cooperation of those who share in its use. I said then that the consumptive users who have a legitimate right to be on the public land must be considered as valuable and necessary allies in achieving the kind of total conservation effort which must be mobilized if we are to turn upward the graph of the condition of our public lands -- to prevent waste.

The task demands our best efforts, freed from either intellectual or emotional hobbles. The temptation to regard each other as adversaries, rather than allies, will continue to be very great -- on both sides.

It is my hope to be with you before the meeting ends. In the meantime, you have my best wishes.

STATEMENT OF MR. L. C. "JACK" BINFORD, PRESIDENT
IZAAK WALTON LEAGUE OF AMERICA
Before the National Advisory Board Council, March 11, 1963

TENURE AND THE PUBLIC LANDS

It is a pleasure to join with you in counseling the Bureau of Land Management as to the public lands under their direction.

I want to thank you for having invited me, as National President of the Izaak Walton League of America, to present our views on the "joint and multiple uses of the public lands and areas of understanding and misunderstanding of the users."

This meeting may become a new milestone in public land management. As a council, you have evolved from a body elected by the livestock user group plus wildlife representatives from each State, to a group that represents all users.

At your first meeting under the expanded membership held only last November at Las Vegas, Karl Landstrom, Director of B.L.M., reminded you that you reflect "broader consideration than domestic livestock grazing alone", and that you must "carefully identify the place of public land management in the natural resource program as a whole."

At Las Vegas, you were necessarily involved almost entirely in the question of grazing fees, which I hope is settled for now. By the nature of the subject you have asked me to discuss, I take it that this meeting will consider the broad aspects of public land management. If you do this it will truly be a milestone, and could mark the beginning of sound, comprehensive, multiple use management of Interior's 178 million acres of land. Maybe we should include Alaska and add another 273 million acres.

As an Advisory Council, you now represent 186 million people, the folks who own the public lands. We in the Izaak Walton League say that we, too, have a 'trust' to represent the public's interest in U.S. held lands.

As an official elected by a group of conservationists, most of whom are hunters and fishermen, I am aware of the problem faced by the rest of you, especially you stockmen who are here by the election of your user group. No doubt, you are to a large degree beholden to them as I am to my sportsmen electors. You wildlife members have a mixed loyalty -- if one is due our electors. You got on an Advisory Board by selection of a State Director, who probably picked you from the nominees submitted by the State Fish and Game Department and then the State Advisory Board selected you for this National group.

The rest of you -- representing County government, urban-suburban development, oil and gas, outdoor recreation, forestry and fish, conservation,

petroleum, and soil conservation -- were selected and appointed by the Secretary rather than by the interest you represent.

Within your Council every user interest is represented -- at least if broad definition is given to such interests as "outdoor recreation" and "conservation". Numerically you are still a livestock group.

Let me suggest that John A. Carver, Jr., Assistant Secretary of the Interior, in his address to you at Las Vegas, used words which should become the preamble to all your deliberations.

> "We are concerned not just with the economic benefits which flow directly, but we are also concerned with values which do not easily have an economic base attached to them; certainly some types of recreation value, certain types of outdoor experiences are included in this, and certainly the wildlife values have an importance above and beyond any economic price tag that you may put upon wildlife benefits.
>
> "In larger sense, we are interested in the future. We are conservationists, all of us, whether you are a sheep or a cattle operator or whether you are a county official or whatever. We have an interest in the future. We want to leave the land in at least as good a shape and, if possible, in better shape than we found it when we came upon it. So we have that common objective in the correct management of the land ..."

If you follow this broad concept as your common objective, it will be a milestone in public management. If you do not do so, if you are only individuals each representing a special user interest, the public will eventually demand your abolition and the creation of a comprehensive advisory group.

Multiple use of public lands is not a concept created by some public official or department of government.

Multiple use is a fact created by people. There are values on the public owned lands people want to use. Primary push was for some economic advantage, such as trapping fur-bearing animals, even early-day market hunting, logging, grazing and mining. As the numbers of people increased, there came recreational hunting, fishing, berry picking, fossil and rock hunting, camping, and innumerable varieties of outdoor use.

Just to cope with this multiple use fact, governmental agencies put into management program these demanded uses. This multiple use concept has long been the guiding principle of land management by the Department of Agriculture and the Department of the Interior, its application being carried out to the extent of public demand.

In 1960 the Forest Service was given a Congressional mandate to apply the principle of multiple use, and now the people's demand for multiple use on B.L.M. lands is recognized in a bill before Congress.

After I prepared this introductory part of my speech, I was informed that my subject was limited to "Tenure and the Public Lands." My first thought was to prepare another introduction, then I realized "tenure" is just a part of the joint and multiple use of public lands, and certainly an area of conflict.

I had hoped that we could discuss other areas of conflict and agreement, especially those of public access to Federally owned lands; fencing; gates; ownership marking; mining laws; wildlife and wilderness areas; urban and suburban developments; recreational areas; watershed management; recreational user fees and methods of financing rangeland rehabilitation and improvement.

Even though these are not subjects of our immediate assignment, we cannot discuss tenure of any one use without consideration of it in relation to the problems and the rights of other users and the public generally.

If I understand the proposed tenure stripped down to its simplest elements, as we lawyers usually attempt to do, we have the situation of a trustee owner of land (B.L.M.) who holds title for all the people of the United States, being asked by present grazing permittees for a better deal.

Facts to be considered:

(1) There are approximately 29,000 grazing permittees who now pay a total of about $3 million which will increase to about $4 million in 1963. These fees are substantially under the market value of the grazing. However, the permittee also makes some contribution in way of improvements to the public lands. Also, by reason, in part, of his low cost use permit, his base property is valued beyond its worth if no grazing rights were attached to it.

(2) Public lands being used are, on the average, in need of substantial capital investment to keep the range from deterioration and to rehabilitate and restore it to full production. Based on current budget, B.L.M. will spend in 1963 $17 million for such range improvement. Approximately one billion is needed to do the job on the portion of the lands where feasible. (Kenneth B. Pomeroy, April 1962 American Forest Magazine, estimated that 700 million would increase production of public domain three-to ten-fold).

(3) Range rehabilitation and improvement can increase by two to three times the present livestock carrying capacity of the range.

(4) There are now livestock ranch properties contiguous or near to B.L.M. lands which have no grazing permits on the public lands, and which desire a use if the carrying capacity is increased to make it possible.

(5) Present users contend that increase in carrying capacity should accrue to present users.

(6) Most of the land used for grazing is also subject to recreational use, which includes hunting and fishing. Approximately 30 million people annually use the land for recreation. There is presently a bill under consideration to charge for this use, a fee of $3.00 to $5.00 per motor vehicle. Your speaker suggests a fee of $2.00 per person in the form of a stamp to be purchased at the Post Office as we now buy migratory bird stamps. By my computation this would produce, by excluding children under 16 years, about $50 million on B.L.M. lands.

(7) These lands are also subject to use for mining, forestry, watersheds, and for community expansion.

(8) "The livestock industry has made it unmistakably clear that it does not believe that it should be required to pay increased grazing fees or other compensation to obtain a more secure tenure." (Letter written by Edward W. Clyde, member of this Council and a member of the special committee to study "Tenure", written January 23, 1963.)

This Advisory Board Council can, in its deliberations, take one of two courses.

If you are here as representatives of the livestock industry, it is up to you to get the best possible deal for the livestock industry.

If you are here in the capacity of a board charged with the public interest in the land, you must give consideration to all users.

Law to be considered:

Before we go further we must ascertain the law that controls the situation.

(1) Law that controls the use of the public lands over which B.L.M. has jurisdiction, is the Taylor Grazing Act of June 28, 1934, to which minor amendments have been made. Under authority of this Act and limited by it, grazing regulations have been promulgated by the Secretary of the Interior.

(2) By the Taylor Grazing Act, persons owning nearby land who had been using the public lands for grazing were given the right to continue its use, the numbers of livestock permitted to be based on the highest two years out of the prior five.

(3) This right to those within or near a district is perpetual. That is, once it is exercised, it cannot be terminated by the Department of the Interior except in two situations:

(a) Interior may withdraw the land from grazing use by reason of classification for other use, or by its sale or exchange.

The original right of use as granted by Congress clearly states that the grazing districts are established for use of the land pending final disposal. In other words, the right continues until the Secretary, acting under Congressional authority, makes a disposition of the land for other than grazing. Congress, of course, could at any time terminate the right.

(b) Secretary may cancel the right for certain violations, which has almost never been done.

(4) Right to use may continue on a year-by-year basis or on adjudicated land, a term of 10 years may be granted, but whether by the year or term the right to renewal cannot be terminated except as the right of use is terminated.

(5) Secretary is required by law to regulate use to "preserve the land" and to fix "reasonable fees." Right of use is subject to payment of the fee and the regulations to preserve the land.

(6) The historical right to graze for a given number of livestock may be reduced by the Secretary's order, based on adjudication. By present regulations the historical number is not lost, and is restored to the permittee when the Secretary finds the range will provide forage for the greater number.

(7) Permittee, whether operating on a year-to-year basis or for a term, can sell, mortgage, make a gift or transfer by Will or by intestate death, his grazing rights, provided, of course, that the base property follows the transfer.

(8) Under the law Secretary of the Interior must regulate the number of livestock to protect and improve grazing districts. He has no authority to regulate use or fix fees based on economic needs of the permittee, except in period of drought or general epidemic, he can "remit, reduce, refund ... payment of grazing fees."

(9) Permittee can appeal by administrative procedure and to the courts, an order that denies or limits his use. Pending appeals the order is suspended.

As a lawyer, I assure you that the present Taylor Grazing Act and Administrative Order is just a dandy device which we can use with almost certain success in keeping the permittee on the land with the maximum number of livestock of his historic use. Appeals can run into years -- then conditions will have so changed that we can demand a new range survey and start the appeals all over again.

SUMMARY AND ADVICE ON THE LAW

Now it is said that the stockmen want a better deal than they now have!

Very well -- I must first tell you that the Secretary, if he carries out his directive under the law, cannot give a better deal. For that the permittee will have to go to Congress.

Obviously, Congress can, if it chooses, rewrite the entire Taylor Grazing Act. Do you dare open the "Pandora Box"?

What can the permittee gain? There isn't much more to give him except the legal title. He now has a use for grazing in perpetuity, subject to termination only in the event of his own acts or by disposition or reclassification of the land for other uses. His use can now only be reduced when the Secretary finds the reduction necessary to preserve the land.

Would Congress give or sell the permittee the title to the property? This is unlikely. Multiple values would be lost to the public. Observe that the tendency is to acquire more Federal land, not to dispose of it except for public uses. Probably the permittee does not desire title for the property would go on the tax roll which would generally be far beyond present grazing fees. In fact, any extension of present right would likely become a taxable leasehold. Even the present tenure may be taxable in some States.

Would Congress give the permittee the right to determine the extent of his use -- that is, number of animals to be grazed? Not likely -- there is no precedent for giving such a right to a single user group on public lands! Could the timber industry be permitted to determine the trees to be cut? Congress might delegate some other administrative body instead of Interior to determine the permissive use. Would some other agency, such as Soil Conservation Service, do a better job? Should the standard be changed from present protection of soil and watershed to the protection of the livestock industry?

Should Congress fix the fee for the use or give positive instruction to some administrative agency other than Interior, to do it? What standard should Congress set up -- cost of public land administration? Value of the forage? Ability of the permittee to pay? Regardless of standard, is it likely that any device would produce as favorable a fee as the stockmen have been given? Please note that there are stockmen not now enjoying public land use who are willing to pay a grazing fee substantially over the B.L.M. rate as can be observed from competitive sales of Indian land leases.

It is not a pleasant task to talk about tenure. It brings back the memories of the bitter land tenure fight of 1953-54 when the D'Ewart Bill was under consideration. At that time, it was the Forest Service lands more than the B.L.M. that were involved, but the effect of the Bill was to give the permittee a vested interest in rangeland use.

You know the outcome of that fight. Recreation and conservation groups, which frequently have differences, united with others in a solid front of opposition and won, but we are still licking our wounds. On both sides there remains bitterness and prejudice, which I pray may never be reactivated.

We have so much in common -- the recreationist and the livestock man.

We in the League want the public lands managed for their multiple uses. We believe in management by scientifically trained and experienced personnel, not by the political spoils system.

We recognize the economic importance of the livestock industry.

We think that grazing on most lands is compatible with other uses.

We urge that livestock and wildlife numbers be kept in harmony with the land, that is, that there not be over-use by either.

We have indicated that recreationists should pay a user fee.

We believe that rangelands should be rehabilitated and improved to provide for an increased number of livestock and wildlife.

We believe that public lands should be adequately marked as to ownership and accessible to the public.

We ask that scattered ownership be exchanged or sold to provide better units of management.

I would expect that in all of these things you agree with the Izaak Walton League. But now I must say that we have been, and now are, most emphatically opposed to any one user group having a vested right of use on and to the public lands. Objection would be made to any tenure that goes beyond present rights of permittee.

We have called upon the Department of the Interior to raise the grazing fee to a fair market value, not because we wanted to pick on the stockmen, but because we want to improve the rangelands, and in our efforts to get Federal appropriation for the purpose of such improvement and adequate B.L.M. budget, we have been confronted with the low grazing fee.

We have insisted for many years that the Secretary reduce grazing use when he finds it necessary to do so to preserve or improve the rangelands, not because we want to pick on the stockmen or to gain an advantage for wildlife, but to carry out the principles on which the League is established, namely: to preserve, protect and use wisely our soils, woods, waters and wildlife. Secretary Udall, in our opinion, is to be complimented for carrying out the duties imposed upon him by the Taylor Grazing Act.

We have demanded a position for other users of the B.L.M. lands on advisory boards and councils, a request which is now in effect. We aren't sure that the boards and council will represent all interests. There is complaint that only the West is represented and recreation, inadequately. Time will determine.

It is my understanding that in addition to tenure, permittees want some form of compensation for their loss if their permit is terminated or reduced.

This actual situation has not been reviewed by our organization, but I will attempt to state what I think our position would be.

(1) Base property's present high valuation is due to the fact that the owner has had a low grazing fee. Had the fee been at competitive market value, little additional value would have attached to his property. This additional value is the value of his bargain. It would not seem fair to the taxpayer to be called upon to compensate such an owner for the loss or reduction of his permit. In the case of the original owner, this is no hardship -- the subsequent buyer assumed the risk in his purchase. Title he acquired was purchased subject to the Government's right to terminate. If grazing rates go up to more nearly market price, the value of the grazing permit and base property will likely decline.

(2) The permittee should not be paid damages for the loss of the market value of his permit. As in the case of the base property, the value was created by the lowness of the fee he has been paying. He has had that value and is not entitled to a second payment.

(3) Now in the case of the permittee who makes improvements on the public lands we have a slightly different situation. It has been generally pointed out as a justification for the low rate for grazing use of B.L.M. lands that the permittee makes range improvements.

If that is to be considered part of his use payment and he usually contends it is, it would seem that he is not entitled to compensation for the residual value of the improvements in the event of termination or limitation of his use. As a practical matter, it seems desirable to encourage the permittee to make improvements. In most cases he can do so at lower cost than can a governmental agency.

I would suggest that if the improvement is made in conformity with the B.L.M. plans and approval, the permittee be paid the residual value of such improvements based on the original cost less depreciation at some established basis.

Nothing is found in the record to indicate that the economic insecurity of the permittee's position is by reason of his grazing rights. The surveys that have been made indicate that small units of operation,

possibly those of less than 200 cattle, some figures are as high as 500, are uneconomic. The same conclusion would be reached if the range were free and the expense of range management and improvement were all paid by the taxpayers. It is an unfortunate situation that small operations in almost every field are ceasing to be profitable. Doubling the range carrying capacity, as will happen with range improvement, should help the small rancher if he has the capacity to expand. In any event, the community as a whole should benefit for there will be ranchers who can profitably use the range.

The rancher who wants to keep his grazing permit has almost without exception done so, unless the range is over-used and cuts are necessary for range improvement. In this situation the practice is to restore his use when the range is capable of carrying his livestock.

In precedence, the rancher who is in, has tenure on B.L.M. lands, which has been so infallible as to have a very substantial sales value and has given the base property this blown-up value.

Any effort to get any form of vested right or tenure in the public lands, beyond that now enjoyed by the stockmen, is going to stir the public's opposition to the point that legislation may well follow that calls for full market value of rangeland use. In fact, the public would be shocked if they knew that the permittee now has a right of perpetual use.

There are more beef cattle producers in the Mid-Western States than there are B.L.M. permittees. They have no public lands and are inclined to dislike competition that feeds on forage that costs less than a dollar per ton. Any effort to enlarge tenure would be branded as a give-away of public lands and the day for that passed 50 years ago.

Let me urge that you abandon any efforts to secure a change in tenure and limit your request to compensation for improvements. Let us not stir up the millions who own the land except to get their help in its rehabilitation and improvement. To do this, we who use the land, including recreationists, must pay a fair value for our use.

By some method more of what we pay or from funds of the taxpayer, local governments must have a greater take in lieu of taxes from these lands. (Read the address of Judge Lloyd Rea of this Council, to National Association of Counties at Las Vegas, Nevada, December 13, 1962).

We in the Izaak Walton League stand ready to help you develop a sound, long-range program that gives consideration to all uses and users. Let us aggressively develop plans and implement the rehabilitation and improvement of the rangeland for a greater use. Let us double or triple the livestock carrying capacity, and provide better habitat for wildlife, and with all our use -- borrowing words from Mr. Carver -- "leave the land in at least as good a shape and, if possible, in better shape than we found it when we came upon it."

It's time we quit "calling names," ("necktie parties" are a thing of the past even in Nevada); it's time we users cooperate with agencies in carrying out their duties assigned to them by law for the use and preservation of public lands. The 186 million owners, nearly a third of whom visited these lands last year, expect the use and management to be in the public interest.

STATEMENT OF MR. R. J. SMITH
WESTERN ASSOCIATION OF GAME AND FISH COMMISSIONERS
Before the National Advisory Board Council, March 11, 1963

Mr. Chairman, members of the Council.

I must have known I was going to follow Mr. Binford. It is only going to take me about 12 minutes.

I don't think I can solve all of our problems in 12 minutes. But a month or so ago I was asked to come here and present something to this group about our problems. When I started to get into it I found that it was quite a deep and complicated situation, and I don't propose to solve them.

But there are some things I think are evident to all of us that I would like to go over here. This, in effect, is a summary of a summary of a paper I prepared. I speak for myself as a westerner who, as Director of the Arizona Game and Fish Department, has had occasion in the past twelve years to become reasonably familiar with the public lands in the West and some of the problems associated with their proper management.

It appears that in recent years the citizens of the country are beginning to recognize the priceless national heritage they have in these lands and are showing more of an interest in what happens to them in the future.

Although I do not have enough time to devote to each subject, I believe each of the following goals is needed if the public lands are to be put to their highest and best use in the public interest.

The most important goal, and one, I am sure, which we all subscribe to, is preservation of these lands in the state of greatest productivity, including restoration of lands where they are depleted. We need to improve watershed values, stabilize stream flows, reduce erosion, re-establish proper vegetative types, reduce destructive effect of wild-fires, etc.

Several thousand obsolete laws on the books complicate proper administration of these lands. These laws should be reviewed by competent persons and recommendations made to Congress to bring them up to date in order to meet the demands of modern conditions that could not possibly have been anticipated when they were originally enacted. Some steps have been taken by Congress toward this end. One good example is the Recreation and Public Purposes Act.

These new laws should direct the Bureau of Land Management to enter into long range research programs to determine what habitat measures consistent with multiple use principles can be carried out to restore depleted ranges. Annual and long range studies should be carried on by the Bureau designed to balance livestock and big game numbers with the carrying capacity of

the land. Management programs developed should be flexible enough to allow annual changes in use commensurate with annual changes in available forage.

These rehabilitation programs should be funded with greatly increased appropriations. I am told that to date revenues from these lands far exceed expenditures to improve them. Last year revenues were approximately three hundred million, but only forty-one millions were appropriated to the Bureau for management of lands and resources.

The Bureau's long range program should provide for encouraging larger, more self-sustaining ranching operations by fewer permittees so that professional -- and I emphasize professional -- ranchers can realize enough profit to maintain reasonable standards of living. The farming industry is going through this phase and social and economic needs dictate the same program for the ranching industry whether or not public lands are involved.

As a game and fish director, I believe I echo the concern of all the Western States in reference to some present habitat improvement practices where excessive reduction of woody shrub types and replacement with grassland will reduce big game carrying capacity.

Mining laws should be revised so that a lease, rather than a patent, becomes the vehicle through which hard rock minerals can be extracted from the ground, similar to the system used with the oil and gas industry. Open pit exploration work should be eliminated in favor of core drilling so as to disturb the surface of the ground as little as possible, and to prevent the hazard to humans, livestock, and wildlife that exists at present. When the mining operation is completed, the surface of the ground should be restored as much as possible to its original condition.

My second most important goal would be the establishment of the multiple use policy for B.L.M. managed lands. In this connection, I support a multiple use and sustained yield bill similar to S. 601 introduced by Senator Frank Moss of Utah on January 30, 1963. It is similar in scope and purpose to the Multiple Use Act of 1960 which applied to U.S. Forest Service lands.

Consistent with this goal one of the first objectives of the Bureau should be a classification program for all B.L.M. lands.

Classification should recognize the need for title transfer of public lands for certain limited needs, including the expansion of cities and towns, heavy industrial use and to public agencies for high intensity recreational development adjacent to urban areas. This classification should be based upon long-range population predictions so that highest uses in the public interest will be provided for, and so that conflicts of uses will be held to a minimum.

One important classification in my mind should be grazing and wildlife use. Although this use has not received sufficient recognition in the past, in looking at the future, retention of these lands in this classification could insure a place for compatible public recreation where large areas are held in a semi-wilderness condition. The so-called "march of progress" is converting these lands to urban purposes at an alarming rate. We need to hold onto them if the long range national interest is to be best served. We should classify some areas to high intensity recreational use in order to confine human activities to developed areas and to prevent interference with other desirable uses of wild lands as much as possible.

Southwestern lands are very arid. Where water is developed, it frequently is on a temporary basis. The land is used until the water supply is exhausted, and the occupant moves on. I think a slide this morning demonstrated that very well. This is a waste of human resources and creates tax and title problems. Proper classification could completely eliminate this problem.

Access to these lands is also becoming more and more of a problem. One solution would be to encourage the Bureau to block out holdings into manageable units that can be served by public roads. This would also prevent unnecessary interference with livestock operators and assure them a reasonable amount of privacy.

The Maricopa County Parks Department last year entered into long term leases with the Bureau for use of 70,000 acres of lands adjacent to the City of Phoenix to be held for future recreational development. Until these areas are needed and developed in the future, livestock, grazing and hunting are continuing. This is an outstanding example of good planning.

My last precept is that all persons who use the public lands should pay for the privilege, including those who use the lands for recreational purposes.

Even recreational use of the land serves to leave its mark. Ask any rancher or Bureau employee who has gone through an area recently used for a picnic. Chances are about 90 to 1 that the area will be littered with beer cans, pop bottles, paper sacks, cups and all of the paraphernalia associated with this picnicing. Other recreational uses do the same thing. Someone is going to have to keep these areas clean if they are to retain their recreational value in the face of heavily increasing public use.

In this connection I support in principle S. 859, the Land and Water Conservation Fund Bill recently introduced in the Congress.

In summary, I believe that both the private and public interests in B.L.M. lands would best be served if the following goals were established:

1. The land must be restored to its greatest productivity and held there.

2. Laws relating to the public lands should be revised in the light of present and future needs.

3. Management must be strengthened and at the same time become more flexible.

4. A massive range rehabilitation program should be initiated.

5. Appropriations should be commensurate with income from these lands and the needs to restore productivity.

6. A classification program should be initiated to insure the lands are dedicated to their highest use, and last,

7. All users of these lands should pay for the privilege, including recreation users.

Thank you.

STATEMENT OF MR. THOMAS L. KIMBALL
EXECUTIVE DIRECTOR, NATIONAL WILDLIFE FEDERATION
Before the National Advisory Board Council, March 11, 1963

Chairman Hughes and members of the Council:

One of the advantages of being last on the program is the fact that everything that needs to be said has already been said, so I am going to depart from my prepared talk because there is a considerable amount of duplication in what has already been said, and see if I can't capsule a few of the important points that I wanted to make.

I have in my paper here a quote from Secretary Udall concerning the condition of our public lands, and in order to make sure that I do not misquote him, I am going to quote directly from the prepared text.

> "A dozen years ago, Oscar L. Chapman, then Secretary of the Interior, said, 'Fifty percent of Federal range lands are in a state of severe to critical erosion; 32 percent are eroding moderately; and only 18 percent are in a condition of slight to no erosion.' Today our technicians report that 20 percent of the usable public domain range land is improving and that 80 percent is static or declining. I have asked the BLM people for a report on this situation today, and it is just about the same over all condition as it was then."

Now, I submit to the members of this Council that this is the primary issue at hand insofar as the National Wildlife Federation is concerned. And I think I speak generally for conservationists when I say that our principal interest is in preserving and maintaining the resource and in improving its productivity. I also submit that if this same question were posed to you as individual stockmen that you would have to agree that this is one of your principal objectives, to improve the productive capacity of the range.

If accomplished, this means that you can run the permitted numbers of livestock without temporary reductions, and maybe even be able to increase the numbers that run on our public ranges. I think if we could agree on this one tenet, then we could move to the area of deciding what to do about it.

There have been happenings recently and in the past that have led me to believe that at least not all of the livestock industry is convinced that most of our public ranges are in poor condition, in that they want to maintain the present status quo, both as to numbers of permitted stock and low fees. They want to have additional hearings and determine whether or not this range condition is in such condition.

Now, I attended a conference out in San Francisco last week, and I heard a statement made there by a Dr. Gould from one of our leading universities, to this effect: that the Middle-East, the place where Christ was

born, and which was once described in the book of books as the "land of milk and honey," now practices a goat economy. About the only thing that is currently growing on the hills are cedars and an annual crop of weeds. In fact, the statement was made that it took that civilization 5,000 years to reduce the fertility and the productivity of that soil by 90 percent.

Dr. Gould also made the statement, and I am not sure where he got it, so I couldn't certify to its correctness: that here on this continent, in 300 years we have managed to reduce the fertility of our land by some 50 percent.

Now, I submit, gentlemen, that if our country is to remain strong, that this should be of concern to all citizens, and that we should begin to seek objectively the answers to reducing the mining of our fertile soils, and to do something about the restoration of its productiveness.

If our country is to remain strong, with the highest standard of living in the world for its citizens, we should concern ourselves with the protection of all our renewable resources. We should begin to seek objectively the answers to reversing the downward trend of range conditions, and to do something about the restoration of the land's productiveness.

Now I think I know some of the problems of western range lands. I was born in California and raised in Arizona. I went to school in Utah, and for nine years prior to coming to Washington, I was Director of Fish and Game in the State of Colorado. I like to think I know a little something about range trend and condition, and I also know why there has been a general reluctance to accept range conditions as they are and, more importantly, to do something about it.

In the discussion that follows, we should discuss objectively what might be done in restoring the fertility to the land. This should be one of the main topics for this committee, as well as the others who are interested in proper range management and public land administration.

The reason that it has been so difficult in past years, in my humble opinion, to achieve this objective is because individuals are hurt financially when it becomes necessary in the public ingerest to make temporary reductions in livestock use.

The individual rancher who obtained the first grazing permit on public lands was the one that benefitted from the low grazing fees that were established. The person who came along later on in years and purchased that ranch, and with it the attendant grazing permits may have paid one hundred dollars or more per head than he would have if a similar ranch were purchased without public grazing permits. So most ranchers of today have actually paid, in a sense, for public grazing privileges.

The sale and re-sale of grazing permits has been repeated in periods of our history to the point where the present owner of a grazing permit on public land has, at least partially, paid for the values that he is to receive from grazing on that public land and any time an attempt is made to reduce or to do anything that would adversely affect that permit, he visualizes a direct assualt on the cash in his back pocket. I submit that this is a natural and expected reaction. If I owned a ranch with a grazing preference on public land, I would feel the same way about it, and I certainly don't blame any of the ranchers for fighting for their financial investments. But this has not solved the problem that is before us.

The very fact that 80 percent of our range lands need to be improved is the question that we need to talk about, and if we can get together on the procedures, I am sure that you will find that the conservationists, the recreationists, will be behind you one hundred percent in attemping to resolve some of these difficulties which we find ourselves in.

Now, there is one other point I would like to make. The Taylor Grazing Act was essentially an act to, first, preserve and protect the public range, and second, to stabilize the livestock industry. And I submit to you that it has been a failure on both counts, if we are to judge the effectiveness of it today. This means, at least to my way of thinking, that we should seriously consider some amendments or changes to the law before much can be done to accomplish the task that lies ahead of us.

The one thing that I would like to submit for your consideration is the fact that multiple use of our public domain should be officially recognized by an act of Congress. Just last session a Multiple Use Act was passed for the administration of Forest Service lands. It doesn't make much sense to anyone to have one act of Congress applying multiple use to one segment of our public lands administered by Agriculture, and another act applying to another segment of our public lands administered by Interior; in essence, recognizing one use.

We must begin to cooperate as users and citizens interested in wisely using but still protecting the productiveness of our public lands. We must begin to seek solutions to the problems of proper land management and administration, and to the attainment of the objectives that we all seek. We must and will stop injury to the public range. We must restore its productiveness. Then I think we will begin to get somewhere in serving the over-all public interest.

Thank you.

STATEMENT OF DR. EDWARD C. CRAFTS
DIRECTOR, BUREAU OF OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR
Before the National Advisory Board Council, March 12, 1963

I am really glad to have an opportunity to talk here this morning. I don't have any formal remarks. Karl Landstrom did not say one thing that I thought he might, but maybe most of you know it. I came to the Department of Interior last April, following 29 years in the Department of Agriculture, all with the Forest Service. When I was with the Forest Service I had a good bit to do with the creation of a multiple use advisory council, first to the chief forester and it has now been made advisory to the Secretary of Agriculture.

So I firmly believe in multiple use and I am glad to see that the B.L.M. is moving in this direction. B.L.M., to my way of thinking, has always been sort of a sister agency to the Forest Service. There are differences; there have been and are and will continue to be. The B.L.M. is a land management agency, an action agency, and there is some familiarity in coming over here and talking to a group of people who are concerned with the problems of the actual administration and management of real estate.

The job I am in at the present time is not that type of job. I am not sure what you want to hear this morning, I think it is something probably about the origins and the functions and what we foresee ahead for this new Bureau of Outdoor Recreation. I will try to touch on that briefly and then I will stop, so there will be time for questions if you have any.

We are an outgrowth of the Rockefeller Commission Report. As Karl stated, our Bureau was set up by Secretarial Order, not by an Act of Congress, about a year ago. That occurred about 2 months after the Commission's report was completed and about one month after President Kennedy endorsed it in the Conservation Message to the Congress. The Bureau was created and charged with the functions that were recommended be assigned to it by the Rockefeller Commission.

In other words, the Secretary went right down the line in conforming the responsibilities of the Bureau to the recommendations of the Study Commission, which, as you know, was made up of eight members of Congress and seven citizens appointed by President Eisenhower. It was a nonpartisan commission which made the study.

One of the things that they recommended was the creation of a small, and I emphasize the word "small", new Federal bureau to do basically two things. One was to promote the coordination of the multitude of outdoor recreation activities that are underway at the present time and expanding in about twenty Federal agencies. The second basic thing was to serve as the focal point of responsibility between the Federal Government and the States in outdoor recreation.

Now there are certain other functions in addition, such as the sponsorship and conduct of research, certain educational information services, the carrying out of a continuing inventory and plan for recreation on a nation-wide basis, somewhat comparable, I would say, to the nation-wide forest survey that the Forest Service has carried out for years and with which some of you might be familiar. But the basic responsibilities are coordination within the Federal branch and technical assistance and cooperation with the States. Two of our Federal precepts, so to speak, are: First, that the States should be the focal point of responsibility in recreation among the public agencies, not the Federal Government; and, second, the recognition that the primary contribution in servicing the needs of the American people in outdoor recreation lies with private enterprise rather than with the public agencies.

Our relationship to B.L.M. is about the same as it is with the other twenty Federal agencies. Karl mentioned that we have government-wide responsibilities. This is true. It is rather a unique situation where we are housed in one department of the Federal Government but where we are recognized by the Secretary of that Department, by the responsible officials in the Budget Bureau and White House and in Congress, that we have responsibilities across the board. One of the vehicles for implementing this is through what is called a Recreation Advisory Council that is not comparable to this Advisory Council. It is an Advisory Council created by executive order of the President about the time the Bureau was established, and it is made up of Cabinet Officers--five members of the Cabinet and the Administrator of the Housing and Home Finance Agency. Our Bureau serves as the designated staff or secretariat to the Recreation Advisory Council. The primary purpose of that Council is, again, the promotion and coordination of Federal recreation activities within the Federal branch. The chairmanship of it rotates. The Secretary of Interior is currently chairman. The Secretary of Agriculture will be chairman a year from this April and it goes on around, Secretary of Defense is next, and so on.

Our vehicles for moving in the direction of more stabilized and uniform policies in Federal recreation are through this Cabinet Council, through budgetary review, through legislative review, through program consultation and this sort of thing. I think I should make it clear that we do not have any power in the sense of the ability to impose our views on the other Federal agencies. This is a matter of persuasion and skillful working with them and so forth and so on. We do have some instruments available to us that are pretty effective, but we are not in the position of saying to another agency, "This is the way it must be."

And I hope it won't get that way, because this is not the way to make progress.

I don't know what you heard about the congressional situation at all. I missed Jerry O'Callaghan's talk. As far as we are concerned I said we were created by Secretarial Order and this is true. If you have been following the local papers in any way in the last few days -- I don't

know how much this has gotten across the country -- you would see that one of the two bills that is fundamental to us has been the subject of some controversy in the Congress and passed the Senate yesterday. This is a bill which would give statutory recognition to this Bureau, which I think is essential if we are to continue to perform the functions that we are supposed to and which would, by Act of Congress, assign these certain functions to us. This is a little odd situation in that the executive branch moved ahead a year ago to implement these O.R.R.R.C. Commission findings rapidly. There were very careful checks made on the Hill before this was done, but the Congress, itself, didn't take any action.

And now we feel and Congress feels it essential that Congress move in behind the endorsement to this Bureau if we are to continue to perform successfully and effectively. This is what the fight has been about the last few days.

There is another piece of legislation, again I don't know what Jerry has touched on, which is much more controversial, which proposes a system of financial grants-in-aid to the States for the acquisition and development of State recreation areas. The bill also would provide for acquisition of certain Federal lands for recreational purposes and for the financing of these costs through user fees and other devices. The user fee aspect has come in for a good deal of attention. I don't know how this bill is going to fare. It is one of the high priority bills on the Department's program, on the administration's program and I am sure it will be a controversial measure before this Congress adjourns.

But the cornerstone of this bill is the feeling that recreation users should pay their way or a portion of their way in the use of public facilities. This has not traditionally been the case except in the few instances of National Park administration and a few other Federal areas. Quite a few State areas have done this. The basic philosophy is that recreationists, just like the commercial users of public resources, pay a reasonable portion of their cost. The other is that there is a need to acquire certain recreation lands before they are pre-empted to other uses or before they become prohibitively expensive. This is one of the fundamental concepts behind this bill.

I might just say something specifically about the Bureau of Land Management. These are my own ideas and this is all they are. But the Bureau of Land Management is endeavoring now, and I think it is a splendid thing, to move into a broader type of management of the lands that it administers. Tied in with this is this multiple use proposal which is pending in the Bureau of the Budget at the present time. In my experience in the Forest Service, I think I had as much as anyone else to do with the enactment of the multiple use statute for the Forest Service three years ago. There were those who said that this wasn't needed in a statute, that it simply endorsed what the Forest Service had been doing for years and there wasn't really much point to it. This, in my view,

was a gross misstatement of the facts. There were a number of firsts in that Forest Service statute and a number of seconds. It was the first time that multiple use had ever been, with one single exception, mentioned in a congressional statute. It was the first time it had ever been defined. It was the first time that sustained yield had been defined in a congressional statute. It was the first time that sustained yield had been applied to resources other than timber. The Forest Service multiple use statute was widely supported by many groups, including the livestock industry. Most people were for the multiple use, just like they are for conservation and for motherhood and against sin. But we found that during its course through the Congress that most people were for multiple use provided their use came first. It became a little rugged before we got through. It became particularly rugged with the timber industry which, for many years, had felt that they had a priority use as far as the National Forests were concerned. Lawyers disagreed with this. The administrators disagreed with this. But the timber people felt this. Yet, there were those in the timber industry who felt, as we did, that the time was coming when there were areas of the National Forests that timber would be a secondary use and might well be eliminated or substantially reduced and they saw the multiple use act as a protection to the timber industry because of the requirement in it, a directive to the Secretary of Agriculture, that in the formulation of policy equal consideration be given to all of the various resources of the national forest.

In that statute recreation was mentioned and the Secretary of Agriculture is now directed to give equal consideration to recreation as to the other resources. This doesn't mean on every acre, on every allotment, on every district, but in the overall planning.

I think the basic concept proposed in connection with the legislation pending before the B.L.M. is essentially the same. I think this is a step in the right direction. I think on the other hand it can be overdone. There were those who said that multiple use is a shibboleth and a hoax. These were the people -- some of the recreationists, as a matter of fact -- who wanted what in the views of many were excessive designation of lands for wilderness purposes. To a considerable extent in some instances, forest officers tended to use multiple use as an -- I don't know what the right word is -- not an excuse, but as a cloak that covered policies that they wanted to follow. So they called it multiple use. It was too loosely used. It was not sufficiently precise. So there is a danger that it can go too far in that direction. But I would simply say that as I understand what is contemplated here with respect to the B.L.M. lands, I think it is a splendid move in the right direction. Outdoor recreation is bound to have an impact on the B.L.M. land. When you realize the extent of participation in this, the size of the industry, the expenditures that are being made by consumers of outdoor recreation, this is inevitable.

The Bureau of Outdoor Recreation is a functional bureau in the sense that its responsibilities are in this field of recreation. Yet when I was testifying a few days ago before Congressman Aspinall on our organic bill he asked me whether recreation is all we thought about. Of course, the answer is obviously "No." One can't consider outdoor recreation in a vacuum, something apart from consideration of other land uses. Consideration of the impact of devoting land resources to recreation and devoting them to other uses at the same time has to be part of a total picture. This is the approach that we are trying to follow. There are great variations in recreational policies between the different Federal agencies, particularly between the land-managing agencies and water project agencies. This we are finding more and more every day. We are getting into this phase.

We are a small agency. We are not a land managing agency, have no intention of becoming one, and I hope we can contribute to some more effective development of policies at the Federal level and certainly to more effective implementation of State activities in this field.

Maybe I will stop at this point. If you have any questions, I will try to answer them.

REMARKS OF HONORABLE WAYNE N. ASPINALL
CHAIRMAN, HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
At Dinner of The National Advisory Board Council for Public Lands
Tuesday, March 12, 1963

Occasions such as this serve a useful purpose in requiring us to pause and take stock of our progress or lack of progress. Since the last meeting of the National Advisory Board Council in November 1962, the most significant action that has taken place, of course, has been that the grazing fees were raised. I commend the industry members of this Advisory Board Council for the reasonable, constructive attitude that you have taken towards the Secretary's decision.

Like many of you, I regret that the Secretary of the Interior did not see fit to earmark the entire increase for the range improvement fund. But, I think we should be realistic and recognize that there are problems in obtaining appropriations, that there are problems in connection with the amount of revenue available for sharing with the States for the benefit of counties, that there are other interests using or desiring to use the range, and that the Secretary of the Interior, who has the responsibility for administration, has the best position from which to view all the interrelated problems with which he must deal. I know that many of the grazers are operating on a marginal basis and I sincerely hope that the increased fee will not cause any to go out of business.

A portion of the increased fee is going into the range improvement fund and I have urged the Appropriations Committee to make all the money available for rehabilitation of the range while, at the same time, granting the full request for appropriated funds necessary for range improvement work. The outlook is good for increased beneficial use of the range lands and I think we can expend our energies usefully in this direction. I also think that it is important now to examine carefully the adjudication process and allotments.

I have had communications taking issue with the Secretary's description of the deteriorated condition of the range. One grazing and lands consultant offered to organize a committee of interested citizenry to accompany our Committee on Interior and Insular Affairs for a tour of the range so that we can see the actual conditions. However, this is a technical matter which we must leave to the technicians. It is an administrative matter and, under the Constitution, belongs to the administrators. We in Congress must fulfill our responsibility of directing the Executive agencies in the manner in which the public lands should be managed or disposed of. I hope that tomorrow morning, when the Advisory Board Council meets with the Public Lands Subcommittee of our House Interior and Insular Affairs Committee, you, who are technicians, will give us the technician's viewpoint concerning general conditions on the range. It should not be too difficult for professional men to agree in specific areas, even though they disagree in broad generalizations.

We recognize that the grazers have made substantial personal investments in range improvements and that it is not only a share of the fee plus Government funds that are being used for this purpose. As many of you may know, the Subcommittee on Public Lands will, on the day after tomorrow, consider a bill (H.R. 3387) to authorize compensation for the reasonable value of range improvements rendered useless when grazing is interfered with by any department or agency of the Government. I know that we will hear from some of you on this important legislation. Further, I trust that your Committee, working with the Department of the Interior and your representatives in Congress, will make progress towards a solution of the problem of the tenure of grazers on the public lands.

As we consider the legislation now before the Committee, I want you to know that many of us have been concerned for some time that the public land laws generally are not geared to the requirements of the postwar economic and population expansion. We have great difficulty in dealing with the problems on a piecemeal basis. Accordingly, I hope that when this Council meets next, and we again take inventory of our progress, we will have a plan for a definitive review of the public land laws, in an effort to determine the necessity of changes, if any, that should take place.

In the meantime, I earnestly request you to let me know of the type of amendments you think are necessary to the laws governing the use of Federal lands. The National Advisory Board Council can fulfill an important role in giving advice not only to the Interior Department but to the Congress as well.

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